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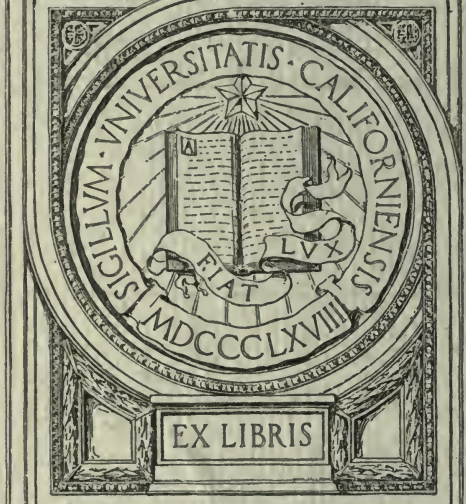
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THE

CHARTER

OF THE

CITY OF ST. PAUL

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THE

CHARTER

OF THE

CITY OF ST. PAUL

PUBLISHED BY AUTHORITY OF THE COMMON COUNCIL

THE PIONEER COMPANY, ST. PAUL
1914

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CHARTER

OF THE

CITY OF ST. PAUL

AS ADOPTED IN 1900

AND AMENDED IN 1904-1906-1908-1910-1912.

CHAPTER I.

Name and City and Ward Boundaries.

Corporate name—Powers—Limitations—Section 1. All the district of country in the County of Ramsey and State of Minnesota contained within the limits and boundaries hereinafter described shall be a city by the name of Saint Paul and the people now inhabiting, and those who shall hereafter inhabit, within the district of country herein described shall be a municipal corporation by the name of the "City of Saint Paul," and by that name shall sue and be sued; complain and defend in any court; make and use a common seal and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and in addition to the powers hereinbefore enumerated shall also possess the powers hereinafter specifically granted; and in addition thereto shall have such powers possessed by municipal corporations at common law as are not in conflict therewith or with the general statutes of the State of Minnesota, and the authorities thereof shall have perpetual succession.

City Boundaries.—Sec. 2. The district of country aforesaid, constituting the " City of Saint Paul," and the said limits and boundaries thereof shall be as follows:

Beginning at the northeast corner of section twenty-three, township twenty-nine north, range twenty-two west (Sec. 23, T. 29 N., R. 22 W.) of the Fourth Principal Meridian, thence west seven and one-half (7½) miles to the northwest corner of the northeast quarter of section twenty-two, township twenty-nine north, range twenty-three west (N. E. ¼ Sec. 22, T. 29 N., R. 23 W.); thence south one-quarter (¼) mile to the northeast corner of the southeast quarter of the northwest quarter of section twenty-two (S. E. ¼ N. W. ¼ Sec. 22); thence west one-half (½) mile to the northwest corner of the southwest quarter of the northwest quarter of said section twenty-two (S. W. ¼ N. W. ¼ Sec. 22); thence south three-quarters (¾) mile to the northwest corner of section twenty-seven (27); thence west one (1) mile to the northeast corner of section twenty-nine (29); thence north three-quarters (¾) mile

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to the northeast corner of the southeast quarter of the northeast quarter of section twenty (S. E. ¼ N. E. ¼ Sec. 20); thence west one (1) mile to the northwest corner of the southwest quarter of the northwest quarter of said section twenty (S. W. ¼ N. W. ¼ Sec. 20); thence south about two and one-half (2½) miles along the township line to the center of the westerly channel of the Mississippi river; thence southerly along said channel to the west of all islands on this course, about three (3) miles, to the mouth of Minnehaha creek; thence easterly along the center of said river channel and south of Pike's island to the easterly end thereof; thence northeasterly along the middle of the main channel of the Mississippi river about two (2) miles to the north line of section fourteen, township twenty-eight north, range twenty-three west (Sec. 14, T. 28 N., R. 23 W.); thence east about one and five-eighths (1⅝) miles to the southeast corner of the southwest quarter of section seven, township twenty-eight north, range twenty-two west (S. W. ¼ Sec. 7, T. 28, N., R. 22 W.); thence north one-quarter (¼) mile to the southeast corner of the northeast quarter of the southwest quarter of section seven (N. E. ¼ S. W. ¼ Sec. 7); thence east one-quarter (¼) mile to the southwest corner of the northeast quarter of the southeast quarter of said section seven (N. E. ¼ S. E. ¼ Sec. 7); thence south one-quarter (¼) mile to the southwest corner of the southeast quarter of the southeast quarter of said section seven (S. E. ¼ S. E. ¼ Sec. 7); thence east about two (2) miles to the middle of the main channel of the Mississippi river thence southeasterly about two and one-half (2½) miles along the middle of said channel to the south line of said section twenty-three, township twenty-eight north, range twenty-two west (Sec. 23, T. 28 N., R. 22 W.); thence east about three-quarters (¾) mile to the southeast corner of said section twenty-three (23); thence north seven (7) miles to the point of beginning.

ADOPTED MAY, 1912.

To Amend the Charter of the City of St. Paul as Adopted in A. D. 1900, and Amended in 1904, 1906, 1908 and 1910.

The charter of the City of St. Paul as certified by the Board of Freeholders to Honorable Andrew R. Kiefer, Mayor of the City of St. Paul, on the 14th day of April, A. D. 1900 and as adopted in said year 1900 and as amended in the years 1904, 1906, 1908 and 1910, is hereby amended by striking out all that portion of said charter following, succeeding or subsequent to the last line of section 2 of said charter, and by striking out all amendments heretofore adopted and substituting for the stricken portion of said charter and amendments the following, to-wit:

Ward Boundaries—Council cannot change.—Sec. 3. The said City of Saint Paul shall be and is hereby divided into twelve (12) wards, to be called the First (1st), Second (2nd), Third (3rd), Fourth (4th), Fifth (5th), Sixth (6th), Seventh (7th), Eighth (8th), Ninth (9th), Tenth (10th), Elexenth (11th), and Twelfth (12th) wards, respectively, limited and bounded as follows:

All that portion of said city lying to the eastward of the St. Paul & Duluth railroad track, from the northern boundary of the city to the intersection of said track with Brook street, and east of the center line of Brook street and Brook street extended from such point of intersection to the Mississippi river and east of the Mississippi river from said Brook street produced to the south boundary line of the city, shall be the Second (2nd) ward.

All that portion of said city lying south of the center line of the Mississippi river shall be the Sixth (6th) ward.

The Twelfth (12) ward shall be bounded as follows: Commencing at the northeast corner of Section numbered twenty-two (22) in Township numbered twenty-nine (29), Range twenty-three (23); thence running south to the center line of Carroll street; thence east on the center line of Carroll street to the center line of Dale street; thence north on the center line of Dale street to the northerly boundary line of said city; thence west on the northern boundary line of the city to the place of beginning.

The Eighth (8th) ward shall be bounded as follows: Commencing where the center line of Dale street intersects the north boundary line of the city; thence southerly along the center line of Dale street to the center line of Carroll street, thence east along the center line of Carroll street to the center line of Farrington avenue; thence south on the center line of Farrington avenue to the center line of Marshall avenue; thence east on the center line of Marshall avenue to the center line of Louis street; thence south on the center line of Carroll street to the center line of Nelson avenue; thence east on the center line of Nelson avenue to the center line of Summit avenue; thence northeasterly on the center line of Summit avenue to the center line of Rice street; thence northerly along the center line of Rice street to the northern boundary of the city; thence west along the northern boundary line of the city to the place of beginning.

The Seventh (7th) ward shall be bounded as follows: Commencing at a point of intersection of center line of West Third street with center line of College avenue; thence southwesterly through the center of Blocks numbered respectively sixty-four (64) and seventy (70) of Dayton & Irvine's Addition, to the center line of Irvine avenue at its point of intersection with center line of Walnut street; thence southwesterly along center line of Irvine avenue to the center line of Western avenue; thence south along the center line of Western avenue to center line of Pleasant avenue; thence southeasterly along center line of Pleasant avenue to the center line of St. Clair street; thence west along the center line of St. Clair street and St. Clair street extended, in a straight line to the southwest corner of the Southwest quarter (¼) of Section three (3), in Township numbered twenty-eight (28), Range twenty-three (23); thence north in a straight line to the center line of Marshall avenue; thence easterly along center line of Marshall avenue to center line of Lexington avenue; thence north along center line of Lexington avenue

to center line of Carroll street; thence easterly along southern boundaries of the Twelfth (12th) ward and of the Eighth (8th) ward, as herein described, to center line of Summit avenue, thence southwesterly along center line of Summit avenue to center line of West Third Street; thence southeasterly along center line of West Third street to place of beginning.

The Fifth (5th) ward shall be bounded on the east by the following line: Commencing at the intersection of the center line of West Third street with the center line of College avenue; thence southeasterly along center line of West Third street to center line of Eagle street; thence southeasterly along center line of Eagle street to the Mississippi river; on the north by the Seventh (7th) ward; on the south by the Mississippi river; and on the west by a line commencing at the southwest corner of Seventh (7th) ward, as herein described, and running thence south to the Mississippi river.

The Ninth (9th) ward shall be bounded as follows: On the north by the northern boundary of the city; on the east by the center line of Mississippi street and Mississippi street extended in a straight line to the northern boundary of the city. On the west by the center line of Rice street, and on the south by a line which commences at a point of intersection of center line of Rice street with center line of Summit avenue, and runs thence northeasterly along said center line of Summit avenue to the center line of Wabasha street; thence northeasterly along center line of Wabasha street to center line of East Summit avenue; thence northeasterly along said center line of East Summit avenue to center line of Robert street; thence northeasterly along said center line of Robert street to center line of Thirteenth (13th) street; thence northeasterly along said center line of Thirteenth street to center line of Jackson street; thence southeasterly along said center line of Jackson street to center line of Grove street; thence easterly along said center line of Grove street to its point of intersection with the center line of Broadway and Mississippi.

The Fourth (4th) ward shall be bounded as follows: On the east by the center line of Jackson street; on the north by the Eighth (8th) and Ninth (9th) wards; on the west by Seventh (7th) and Fifth (5th) wards, and on the south by the Mississippi river.

The First (1st) ward shall be bounded as follows: On the north by the northern boundary of the city; on the east by the Second (2nd) ward; on the west by the Ninth (9th) ward, and on the south by the center line of Grove street.

The Third (3rd) ward shall be bounded as follows: On the north by the First (1st) ward and Ninth (9th) ward; on the east by the Second (2nd) ward; on the south by the Mississippi river, and on the west by the center line of Jackson street.

The Tenth (10th) ward shall be all that portion of the City of St. Paul lying west of the Twelfth ward, as herein described, and north of the center line of University avenue.

The Eleventh (11th) ward shall be all that portion of the City of St. Paul lying west of the Fifth (5th) Seventh (7th) and Twelfth (12th) wards, as herein described, and south of the center line of University avenue.

The Common Council shall not have authority to change the boundary lines of said wards, but may prescribe election districts therein.

CHAPTER II.

Municipal Elections.

When held.—Sec. 4. A general municipal election shall be held in the City of St. Paul in the year 1914 on the first Tuesday in May and biennially thereafter.

Officers elected—Term.—Sec. 5. At each general municipal election there shall be elected a mayor, a comptroller, and six councilmen, and the term of office of each of such officers shall be two years beginning with the first Tuesday in June next following their election, and until their respective successors shall have been elected and qualified.

Special law officers.—Sec. 6. All other officers whose office is or may be created by special law, and whose election is therein provided for to be held at general municipal elections shall be nominated and elected in such manner and at such time as is by this charter provided, but no other provisions of this charter shall apply to such office or officer.

Election districts.—Sec. 7. Election districts shall be formed within the respective wards by the common council pursuant to and in conformity with the laws of the state.

General laws applicable.—Sec. 8. Except as hereinafter otherwise provided, all general laws of the State of Minnesota relating to elections and the preliminaries thereto, shall, in so far as practicable, apply to and govern all general and special elections under this charter, the same as if herein specifically re-enacted.

Canvass.—Sec. 9. On the Thursday next succeeding any election under this charter, the common council shall meet and proceed to canvass the returns thereof and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the officers elected by their respective elections.

Nominations.—Sec. 10. The mode of nominating all elective officers of the City of St. Paul to be voted for at any city election shall be as follows and not otherwise:

Condition of candidacy.—Sec. 11. The name of the candidate shall be printed upon the primary ballot when a petition of presentation shall have been filed in his behalf in the manner and form and under the conditions hereinafter set forth.

Form of presentation petition.—Sec. 12. The petition of presentation for any office shall consist of not less than fifty individual certificates, the blank forms of which certificates the city clerk shall provide, and which shall read substantially as follows:

PETITION OF PRESENTATION.

STATE OF MINNESOTA,
County of Ramsey, } ss.
City of St. Paul.

Individual Certificate..... ....

Voting District No. ————, Ward No. ————

I, ..., the undersigned, being first duly sworn, depose and say that I do hereby join in a Petition of Presentation of ..... whose residence is ....., St. Paul, for the office of..... to be voted for at the city election to be held in the City of St. Paul on the ..... day of ..... 19.... and I further certify that I am a

qualified elector of such city and that I have not signed any other petition presenting any other candidate for the above named office, except where there is more than one office to be filled, and that in such case I have not signed more petitions than there are offices or places to be filled in the above named office; that my residence is at No. ....., St. Paul, and that my occupation is ..... and my place of business is at .....

(Signed) .....

Subscribed and sworn to before me this ..... day of....., 19...

....., City Clerk (or deputy.)

The petition of presentation of which this certificate forms a part if found insufficient, shall be returned to ....., No. ....., St. Paul, Minn.

Requirements of certificate.—Sec. 13. Each certificate shall be a separate paper, of uniform size, contain the name of but one signer, the name of but one candidate and on more, shall in no way disclose the political party affiliations of either the candidate or signer, and shall contain the name and address of the person to whom the same shall be returned in the event of the petition having been found insufficient. Each signer shall be a qualified elector of such city, resident therein for a period of thirty (30) days prior to the signing of such certificate, shall not have signed any other certificate for any other candidate for the same office, except where there are several places or offices of the same nature to be filled and shall not have signed more certificates for such offices than there are places or offices to be filled, and shall verify his certificate before the city clerk or his deputy.

Presentation and examination of petition.—Sec. 14. A petition of presentation shall be presented to the city clerk not less than thirty (30) days before any primary election, and the clerk shall endorse thereon the time of presentation. Thereafter, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this charter. If found not so to conform, he shall then and there in writing which he shall attach to said petition fully designate the defect or reason why such petition cannot be filed, and shall forthwith return such petition to the person therein named to receive the same. The petition may then be amended and again presented to the city clerk as in the first instance. The clerk shall thereupon forthwith proceed to examine the amended petition as hereinbefore provided.

Withdrawal of signature.—Sec. 15. Any signer to a certificate of presentation may withdraw his name from the same by filing with the city clerk a verified revocation of his signature not later than three days before the last day for filing said petition, and thereafter he may sign a petition for another candidate for the same office, provided that no signer of a presentation petition may be permitted to withdraw his name after the candidate named therein has filed his acceptance.

Acceptance or withdrawal of candidacy.—Sec. 16. Any person presented as a candidate shall, not later than twenty-one (21) days before the primary election for which he is presented, file with the city clerk, in writing, his acceptance of such presentation, otherwise he shall be deemed to have withdrawn such candidacy. Said aceeptance must designate the office for which he is a candidate, refer to the petition by the names of some of the signers thereof, the date of the presentation of such petition and shall be signed by the candidate and have his address added thereto. It may contain a statement not to exceed fifty words of his principles or policies for the office for which he is a candidate, but shall in no way disclose his political party affiliations.

Filing of petition.—Sec. 17. When given the original or the amended petition of presentation is found sufficient and the candidate presented has filed his acceptance as hereinbefore provided, the city clerk shall file such petition not later than twenty (20) days before such primary election. No

petition of presentation, after the filing thereof, shall be withdrawn, added to, nor any signature thereon be revoked. Defective petitions, or petitions where no acceptance has been filed remaining in the hands of the clerk after the time for filing has expired, shall be marked by him, "rejected."

Preservation of petition.—Sec. 18. The city clerk shall preserve, for a period of two years, all petitions of presentation and all certificates belonging thereto, and after the general election, he shall record, in a special book therefor, all acceptances of persons elected to office.

Election proclamation.—Sec. 19. Not later than twenty (20) days before such election, the city clerk shall enter the names of the candidates in a list, certify the same to the common council and the said council shall forthwith cause said certified list and the offices to be filled, designating whether for a full or unexpired term, to be published together with a proclamation calling such election, at least twice in the official paper of said city.

Form of ballot.—Sec. 20. The city clerk shall cause the ballots for all elections to be prepared and printed as by law and this charter provided, but no such ballot, or sample ballot whether for use in primary, general or special municipal election, shall contain any party designation or marks.

General election candidates.—Sec. 21. The two candidates for mayor, and the two candidates for comptroller receiving the highest and the next highest number of votes in said primary election for the respective offices for which they are candidates; and the twelve candidates for the council receiving the highest twelve numbers of votes for nominations thereto, shall be declared the nominees and the only nominees for their respective offices at the next ensuing city election, and their names and only their names shall be printed as such candidates on the official ballots at said election.

Election informalties.—Sec. 22. No informalities in conducting any municipal election shall invalidate the same, provided it has been conducted fairly and in substantial complance with the law and the provisions of this charter.

Election regulations.—Sec. 23. The city clerk, at least fifteen (15) days before the holding of any municipal election, shall give public notice of the time and place of the holding of such election and the hours during which the polls will be open by posting in three public places in every election district a notice, each notice containing a list of the offices to be filled at such election. One of such notices shall be posted at the place of holding the election. No failure of the city clerk to give or post such notice shall invalidate an election.

Special elections.—Sec. 24. The council may, by resolution adopted by an affirmative vote of all the members thereof, order a special election and provide for the holding the same. The purpose of such special election shall be clearly stated in such resolution, and no other matter shall be submitted thereat except as in this charter otherwise provided.

Pluarality vote—Tie vote.—Sec. 25. In all municipal elections a plurality of votes shall constitute an election. When in any election two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the council at such time and in such manner as it shall direct.

New election.—Sec. 26. Should there be a failure to elect any officer elected by the people on the day designated, the council shall order a special election to be held in accordance with the provisions of this charter.

Vacancies.—Sec. 27. Whenever a vacancy shall occur in the office of any officer elected by the people such vacancy shall be filled by election by the council, and the officer thus elected shall hold office until the next general municipal election.

Any officer removing from the city, or any officer who shall neglect or refuse for ten days after the beginning of his term, or notice of his appointment, if appointed, to qualify and to enter upon the discharge of the duties

of his office, shall be deemed to have vacated his office, and the council shall proceed to fill the vacancy as herein prescribed.

Removal from office.—Sec. 28. Every person appointed to any office by the mayor, or by the council or elected to office by the people, may be removed from such office by the council by a five-sevenths affirmative vote of all the members elected. But no officer elected by the people shall be removed except for cause nor until such person shall have had a reasonable opportunity to be heard in his defense. The council shall have the power to fix the time and place of the trial of such officer, of which not less than ten (10) days notice shall be given, and to compel the attendance of witnesses and the production of papers at such trial, and to hear testimony and oath to determine the case. If such officer shall neglect to appear and answer such charges the council, by the vote aforesaid, may declare the office vacant. In such cases, the council shall act by written resolution only, and said resolution shall contain a summary of the charges against said officer and the reasons for his removal.

Sec. 28-[a]. There shall also be elected at the general city election to be held on the first Tuesday in May in the year 1914, and at the general city election held each four years thereafter two judges of the municipal court of said city. The term of office of said judges shall be four years from and after the first Tuesday of June next succeeding their election, and until their respective successors shall have been elected and qualified. They shall be nominated and elected according to the provisions of law applying thereto. There shall also be nominated and elected according to the provisions of law such justices of the peace and such constables as are by law provided, and from districts and in such manner as the laws direct.

CHAPTER III.

Recall Elections.

Officers recallable.—Sec. 28-[b]. Any person holding an elective municipal office, except those created by special law, may be removed therefrom by recall, as hereinafter provided.

Per cent for recall.—Sec. 29. An election for the recall of any officer elected by the people shall be held whenever a petition, signed by qualified electors of the city equal in number not less than twenty-five (25) per cent of the total vote cast for the office of mayor at the last preceding general municipal election, demanding the removal of the officer therein named shall be filed with the city clerk.

Petition, its form.—Sec. 30. Every recall petition shall state the name of the officer sought to be recalled, the office which he holds, and briefly the grounds for his recall. It shall be addressed to the council and may consist of one or several papers, but each paper shall repeat the words of the petition at the head thereof.

Signatures.—Sec. 31. Each signer to such petition shall have been a qualified voter at the last general election, municipal or otherwise, and shall write thereon, in ink, his name, the street and number of his residence at the said election, the ward and precinct in which he voted at such time, and the street and number of this present residence.

Each separate page of the said petition shall have appended thereto a certificate verified by oath, that each signature was signed by the person so purporting to have signed the same in the presence of the person making such certificate.

Any name appearing on the petition not complying with the foregoing requirements shall be stricken therefrom by the city clerk by marking opposite the same, "Stricken by the City Clerk," and no names shall be counted which have not been verified as hereinbefore provided.

Presentation and filing petition.—Sec. 32. Whenever any recall petition shall be presented to the city clerk for filing, he shall note on each page thereof the date of presentation, and shall consecutively number each page, and shall thereafter forthwith examine the same as to its sufficiency, and if so found he shall forthwith file the same in his office, notify the officer sought to be recalled of such fact, and present the same to the council at its next regular or special meeting.

Amending petition.—Sec. 33. Whenever any recall petition shall be found insufficient of defective by the city clerk, he shall return the same to the person or persons therein named to receive the same, together with a statement in writing of such defects, and the said petition may be amended and presented as often as necessary until the same be found sufficient and be filed.

Officer's resignation.—Sec. 34. Any officer recalled may resign from such office within five days after the recall petition shall have been filed by the city clerk, and if he shall not so resign within the time aforesaid he shall be deemed a candidate at the recall election hereinafter provided, and his name shall be placed on the ballot without any further act on his part.

Recall elections.—Sec. 35. Within ten days after the city clerk shall have presented the recall petition by him duly filed to the council, the said body shall order a special election to be held within sixty days to determine whether the officer sought to be recalled shall be removed and his successor elected at the same time, provided, however, that in case any general election shall occur within ninety days and not less than twenty-one days after the presentation of such petition to it, the council shall postpone such recall election to such time, and provide that the question of such removal be determined at such general election.

Election call.—Sec. 36. In the published call for such election, there shall be printed in not to exceed two hundred (200) words the grounds for such recall, and in not to exceed the same number of words, the officer sought to be recalled may justify his course in office.

Other candidates.—Sec. 37. Other candidates for such office may be nominated for such office in the same manner as is by this charter provided for presentations for the primary election, except, however, that there shall be not less than one hundred individual certificates to a petition of nomination, and that the same shall be presented to the city clerk not later than twenty-one (21) days prior to such election, and shall be filed by said clerk not later than twenty (20) days prior to such election.

Incumbent removed.—Sec. 38. The officer sought to be recalled shall continue in office until the canvass of the returns of such recall election by the council, and if he fail at such election to receive the highest number of votes, he shall be deemed removed from office and the candidate at such election receiving the highest number of vates shall be deemed his successor in office for the unexpired term thereof. Such successful candidate, except the recalled officer, shall qualify within ten days therafter or the said office shall be deemed vacant. Said recalled officer shall yield said office on demand to his successor.

Registration.—Sec. 39. All polling places shall be open from six (6) o'clock in the morning until nine (9) o'clock in the evening on the day of the recall election. Voting lists at each recall election not held in connection with another election shall be those prepared for the last preceding election in th City of St. Paul, provided that on the day of the recall election otherwise qualified voters not already registered on these voting lists, so as to entitle them to vote at said election, shall be permitted to register as at a primary election and to vote, and it is hereby made the duty of all election officers to provide for such supplementary registration. But for purposes of such registration no elector shall be questioned as to party affiliations.

General laws apply.—Sec. 40. In so far as practicable all laws and provisions shall apply to such recall election and the preliminaries thereto, and where inapplicable or impracticable the council shall by ordinance provide

such other and further regulation consistent herewith as may be necessary to carry out the provisions of this chapter.

Recall limitations.—Sec. 41. No recall petition shall be filed against any officer until he has been in office for six months, and none within six months of the end of his term.

Penalty for removal.—Sec. 42. No person who has been removed from office by recall, or has resigned from office after the filing of a recall petition, shall be appointed to any office under this charter within one year after such removal or resignation.

CHAPTER IV.

Boards Abolished. Charter in Effect; Salaries, Bonds, Terms of Office, Oath of Office, Notice, Failure to Qualify, Incapacitated Police and Firemen. Hours of Labor.

Sec. 42-[a]. The Board of School Inspectors, the Board of Police, the Public Workhouse Board, the Board of Park Commissioners, the Board of Library Directors, the Board of Fire Commissioners, the Board of Public Works, the Conference Committee, and the Auditorium Board are hereby abolished to date from the time when the city officers elected under this charter to perform the respective functions of these boards are elected and have qualified, and said abolished boards and the members thereof shall turn over to said city officers forthwith on demand, all books, records, property and all other articles and things in their possession or under their directions, custody or control, belongings to the City of St. Paul, or any of its departments or officers. Failure to comply with this section by any person shall constitute a misdemeanor, punishable by fine or imprisonment, on conviction in the Municipal Court or other court of record in Ramsey county.

Sec. 43. In so far as may be practicable this amendment shall go into effect January 1, 1914, and all city elections taking place subsequent to that date shall be held under this charter. For all purposes it shall take full effect upon the first Monday in June, A. D. 1914, and all officers elected under this charter shall take office on that day.

Sec. 43-[a]. All contracts and obligations of whatsoever kind or nature entered into by the City of St. Paul, or by any person or persons whatever in its behalf, and valid and binding upon said city under the charter in force at that time, shall be equally valid and binding under this charter as amended. All provisions of the charter to which this amendment applies necessary to supplement the amended charter until officers are elected, have qualified and been assigned their duties under this amendment, shall have full force and effect until superseded in practice by the city government provided for in this amendment.

Terms of office shall terminate.—Sec. 44. The terms of office of all officers of the City of St. Paul in office prior to the first Monday in June, A. D. 1914, unless otherwise provided in this charter shall terminate upon said first Monday in June, at 12 o'clock noon, but all of said officers shall remain in office until their successors have been elected or appointed under the terms of this charter and shall have qualified. Any person violating this section shall be guilty of a misdemeanor.

Salaries.—Sec. 45. The salaries of elective officers of the City of St. Paul shall be paid in equal monthly installments out of a "City Officers' Salary Fund," which is hereby established, and shall be as follows:

Mayor, $5,000 per annum; Comptroller, $5,000 per annum; Commissioner of Finance, $4,500 per annum; Commissioner of Public Works, $4,500 per annum; Commissioner of Public Safety, $4,500 per annum; Commissioner of

Education, $4,500 per annum; Commissioner of Parks, Playgrounds and Public Buildings, $4,500 per annum; Commissioner of Public Utilities, $4,500; provided that the salaries named in this section shall be full remuneration for all services of said officers to the City of St. Paul of whatever kind and character, and provided further that all of said officers shall devote their entire time and energies to the service of said city. The Corporation Counsel shall receive an annual salary of $5,000; the City Clerk, $3,000; the Chief of Police, $4,000; the Chief of the Fire Department, $4,000; the Chief Health Officer, $4,000; the Superintendent of Schools, $5,000; salaries or remuneration of all other officers and employees, not fixed in this charter, shall be fixed by the council, but no officer employed for a fixed term, or serving continuously for more than a year shall be paid a salary in excess of $5,000 a year.

Compensation of officers and employes not fixed by charter.—Sec. 46. The compensation of all officers and employes not fixed by this charter or by state law shall be fixed by ordinance by the council, passed by a four-sevenths affirmative vote of all members elected to the council. The council shall have no power to change the compensation of any officer for the term for which he was elected or appointed, nor within sixty days' of a municipal election. Such compensation shall be first fixed by the council, first elected under this charter and shall take effect at such time as the ordinance so fixing it shall provide.

No extra compensation.—Sec. 47. No officer or employe shall receive from the City of St. Paul, or the County of Ramsey, any other or greater sum than the salary provided for in or pursuant to this charter in any manner for services performed; and such salaries shall be taken as including compensation for all services rendered by any of said officers or employes in any other office or employment for said city or while acting in any other capacity, or upon any board or committee, and if by the provisions of any law or ordinance any such officer shall be or shall become entitled to receive any other compensation or fees such compensation or fees shall be turned into the city treasury and credited to the general fund.

Oath of office.—Sec. 48. Every person appointed to office under this charter except employes paid by the day or hour, shall before he enters upon the duties of his office take and subscribe an oath of office, in the form prescribed by the general statutes of this state, and file the same with the comptroller.

Notice by City Clerk.—Sec. 49. Every person elected or appointed to office shall as soon after his election or appointment as may be, be notified by the City Clerk of his election or appointment, and as to the requirements of this charter respecting oaths of office and official bonds pertaining to such office.

Failure to qualify.—Sec. 50. Any person elected or appointed to office under this charter, who shall refuse, fail or neglect to qualify for said office within ten days of this time provided for in this charter, or if no specific time provided, shall fail to qualify within ten days, of said notification, shall forfeit his office by said failure and said office shall be vacant from the time of said failure and shall be filled in the manner of filling vacancies due to other causes.

Official Bonds.—Sec. 51. Each of the following named officers shall furnish and file as hereinafter provided, a bond to the City of St. Paul, for the following amounts:

Commissioner of Finance, $200,000; Comptroller, $50,000; Purchasing Agent, $50,000; City Clerk, $5,000; Mayor's Secretary, $5,000; Superintendent of the Auditorium, $5,000; Secretary of the Water Board, $10,000; Commissioner of Public Safety, $10,000; Commissioner of Education, $10,000; Commissioner of Public Works, $10,000; Commissioner of Parks, Playgrounds and Public Buildings, $10,000; Commissioner of Public Utilities, $10,000; Superintendent of Parks, $5,000; Clerk of the Municipal Court, $3,000; First Assistant Clerk of the Municipal Court, $1,000; Justices of the Peace, $1,000 each; Constables, $1,000 each.

Such bonds shall be drawn or approved as to form by the corporation counsel, so as to bind said officers for the faithful performance of their respective duties. The council shall have power to add any conditions it may see fit or to increase any of said bonds where thought necessary, not exceeding fifty per cent, or to require reasonable bonds of other officers or employes. Said bonds shall be approved by the council and filed with the comptroller, except that the comptroller's bond shall be filed with the Commissioner of Finance.

Any person who refuses or neglects to furnish a bond as herein provided shall thereby forfeit his office.

The bond of every officer shall be deemed to cover the acts of his deputies and subordinates unless the council shall provide that said deputies or subordinates be bonded directly to the City of St. Paul. The council may provide that the city shall pay the premium on all surety bonds of officers or employes running to the City of St. Paul. Officers may require for their own protection reasonable bonds from deputies or subordinates.

All official bonds to the City of St. Paul not written by surety companies qualified under the laws of the state to do business in Minnesota shall be executed by two sureties, each of whom must qualify under oath that he is the owner of unincumbered real estate of value at least equal to the amount of said bond. All official bonds shall be executed by the principal therein.

Incapacitated firemen or police officers.—Sec. 52. All firemen or police officers injured in actual service and thereby rendered incaapble of performing his duty, shall receive full pay during the period of incapacity not exceeding six months, and if incapacitated for a further period, one-half pay, not exceeding an addition[al] period of six months. Such injured fireman or police officer shall be entitled to reinstatement at any time within eighteen months from the date of injury or incapacity, if physically capable of resuming his duties. In case of disability through injury or sickness other than as hereinbefore mentioned, in case of firemen, such firemen shall, notwithstanding such sickness or injury, receive his salary, less the amount paid a substitute, if any substitute is employed, for a period not exceeding twelve months, and he shall likewise be reinstated within any time within eighteen months from the date of such sickness or injury provided he is physically capable of resuming his duties. Any temporary advancement caused by sickness or injury shall not work an increase in salary of the person so advanced, during the time of disability of the person on account of whose disability such advancement was made. Before any payment shall be made as aforesaid, said disability shall be certified to by the city physician and the police surgeon and the person injured or disabled shall execute a release discharging the City of St. Paul from all claim for damages on account of said injury or disability.

Terms of office—Hours of labor.—Sec. 53. The terms of office of all officers elected under this charter shall be two years and until their successors are elected and shall have qualified, to date from the first Monday in June, A. D. 1914, and from the first Monday in June of each even numbered year thereafter, provided that all said officers shall hold office subject to removal in the manner provided for in this charter.

All persons in the service of St. Paul, paid salaries in monthly installments, and whose terms of office have not been specifically fixed, shall hold their places from month to month after appointment until removed under the terms of this charter. Their titles and general duties shall be fixed by the council from time to time. Renumeration of persons in the employ of the City of St. Paul shall be uniform for like services in all departments. In all city employment, eight hours shall constitute a working day, and except in cases of emergency, of which the executive head of the department declaring the emergency shall be sole judge, no officer or employe of the city, except police officers and firemen, shall be required to work more than eight hours a day. No officer or employe of the city shall receive extra pay for extra labor or work done in an emergency, except by unanimous action of all persons elected to the city council, approved by the mayor and comptroller. Whenever any department head shall declare an emergency, he shall report at the next succeeding meeting of the council, giving in detail the cir-

cumstances creating the emergency, and his report shall become a public record. By two-thirds vote the council may direct that the work of the department proceed on a normal basis.

CHAPTER V.

Mayor, qualifications, duties.—Sec. 54. The mayor of the City of St. Paul shall be a qualified elector of said city. He shall take care that the ordinances of said city and the laws of the State of Minnesota are duly observed and enforced and that all other executive and administrative officers of the city discharge their respective duties. He shall, from time to time, give to the council such information and shall recommend such measures as he may deem advantageous to the ctiy.

To preside at council meetings.—Sec. 55. The mayor shall preside at the meetings of the council and shall vote on all business before that body, just as shall councilmen, provided that when the question before the council is sustaining the mayor's veto, or passing any ordinance or resolution notwithstanding the mayor's veto, or upon the removal from office of any persons on charges preferred by the mayor, then the mayor shall have no vote thereon.

Acting mayor.—Sec. 56. During the absence of the mayor from the city and in case of his inability or failure to act as mayor for any cause whatever, the vice-president of the city council shall be acting mayor.

Mayor to assign department heads.—Sec. 57. Immediately upon taking the oath of office, it shall be the duty of the mayor to assign one member of the newly elected council as commissioner of public safety, one member of said council as commissioner of education, one member of said council as commissioner of public works, one member of said council as commissioner of parks, playgrounds and public buildings, one member of said council as commissioner of public utilities and one member of said council as commissioner of finance.

Mayor may re-assign.—Sec. 58. On the first Monday in December next after taking the oath of office the mayor may re-assign at his discretion any member of the council, removing him from the head of one administrative department and placing him at the head of any other, if, in the judgment of the mayor the interests of said city may be served thereby. Each councilman shall, until the end of the term for which he has been elected, continue to occupy the position as commissioner which he occupies the first Tuesday of said December.

Mayor to file charges—Removal.—Sec. 59. When in his judgment any councilman, as councilman, or as the head of any administrative department, has not conducted the business of the city honestly, faithfully and with reasonable skill, it shall be the duty of the mayor to file with the city clerk charges against said officer, and on the filing of said charges with reasonable specifications as to the concrete instances of dishonesty, unfaithfulness or incompetency charged, it shall be the duty of the council to try publicly the truth or falsity of such charges, and if they be found true and of sufficient gravity to indicate dishonesty, unfaithfulness or incompetency on the part of the accused, the council shall remove said accused from office. At the trial of said charges the mayor shall not sit as presiding officer or as a member of the council, nor shall the accused sit as a member, nor shall either be permitted to vote on the question of removal. Provided, that an affirmative vote of two-thirds of all the members elected to the council shall be required to remove any elective officer from office. All charges and proceedings in connection with such removal shall be entered in the journal of the council and become a permanent public record.

Removing non-elective officers and employes.—Sec. 60. When in the judgment of the mayor, any officer or employe appointed under the pro-

visions of this charter is not performing his duties, honestly, faithfully and efficiently, the mayor shall so notify the officer or the body having the power of appointing said officer or employe, stating the facts as specifically as may be and shall ask said appointing officer or body to remove said officer or employe. If said officer so requested, refuses or neglects to act, then the mayor may in his discretion remove said offending appointive officer or employe by an order in writing addressed to the appointing officer or body, and containing specific reasons for the removal. Said officer, or employe so removed may, if he wishes it, have power to reply to the mayor's charges and may before so replying, demand a bill of particulars which the mayor shall furnish as fully as practicable, and such charges, such letters of removal, such statement of particulars and such reply shall be filed with the city clerk as a permanent public record of the city. Provided, however, that the mayor shall not have power to remove any officer or employe appointed by the comptroller.

To examine securities.—Sec. 61. It shall be the duty of the mayor and comptroller at least once in each three months, to examine all the securities in the city treasury, belonging to the city, including those securities held for the sinking fund, and upon finding all such securities properly on hand, to make out and file in the office of the comptroller their joint certificates to that effect, which certificate shall specify such securities in detail.

Committee on sinking fund.—Sec. 62. The mayor, comptroller and commissioner of finance shall be a committee on sinking fund, having control thereof in the manner in this charter provided.

Mayor a member of the Board of Equalization.—Sec. 63. The mayor shall be a member of the Board of Equalization.

Mayor to sign instruments.—Sec. 64. The mayor's signature shall be required on all deeds, leases and other instruments executed by the City of St. Paul, for the conveyance of real estate or any interest therein.

Papers served on mayor.—Sec. 65. Whenever any suit, action or proceeding shall be brought against the City of St. Paul, the summons or process shall be served on the mayor, and it shall be the duty of the mayor forthwith to give written notice thereof to the corporation attorney, attaching thereto the summons or process so served.

The mayor's salary.—Sec. 66. The mayor of the City of St. Paul shall for his services as mayor, draw from the city treasury the sum of $5,000 each year of his term, payable in equal monthly installments. He shall have power to employ a secretary who shall be paid by said city, $2,000 a year, payable in equal monthly installments, and shall employ such other clerical assistants as the council shall by ordinance designate at his request, provided that the salaries of all persons regularly employed by said mayor as such clerical assistants shall not exceed $5,000 in any one calendar year, including the salary of this secretary.

Other duties of the mayor.—Sec. 67. The mayor shall exercise such other powers and perform such other duties as may be prescribed by state law, by this charter, or by any ordinance not in conflict with the provisions [of this] charter.

CHAPTER VI.

City Comptroller.

Shall keep controlling accounts.—Sec. 68. The comptroller shall be head of the accounting department of the City of St. Paul. He shall keep controlling accounts with every department and bureau of the city government, and with all activities whatever owned or controlled by the City of St. Paul or in which the City of St. Paul has any pecuniary interests.

To prepare forms.—Sec. 69. From time to time the comptroller shall prepare forms of accounts, vouchers, reports, bills, orders, receipts, checks and other necessary forms, to be used by the several city departments, bureaus or activities with which the comptroller keeps accounts, in the transaction of all such parts of the public business as concerns the public finances. He shall incorporate said forms into ordinances which shall be considered and passed by the council. The comptroller shall from time to time issue the forms herein named to the city departments, bureaus and activities herein named to be used in the parts of the public business which concern public finances. The wilful failure or refusal by any city officer or employe to use any such form in the transaction of the business for which the same was designed to be used, shall be deemed wilful misconduct in office on the part of such officer, and sufficient ground for his removal from office. Said comptroller shall issue all financial forms which shall be numbered consecutively for each department for each year so as to be capable of identification, and all city officers to which they are issued must account for each form delivered to him at such times as the comptroller may direct. All city licenses shall be considered financial forms within the meaning of this section.

Fiscal year.—Sec. 70. The fiscal year in all departments of the city shall begin January 1.

System of accounts.—Sec. 71. The comptroller shall keep regular books of account in which shall be entered all indebtedness of the city, and which at all times show the precise financial condition of the city; the amount of bonds, orders or other evidences of indebtedness lawfully issued; the amount of the same which has been paid and the amount of each thereof remaining outstanding. He shall countersign all bonds and other evidences of the city's indebtedness and keep an extra account and record of each instrument, stating to whom and for what purpose the same has been issued; he shall keep accounts with all the receiving and disbursing officers of the city, and all departments, bureaus and activities mentioned in the second section of this chapter. These accounts shall show the amount received by them from each of the various sources of revenue and the amount which they have disbursed under resolution or ordinance of the council, or other legal mandate. The comptroller shall at all times have access to all reports, books, vouchers and accounts in each and all of the departments, bureaus or activities herein above mentioned, and it shall be his duty frequently to inspect the same in order to insure the keeping of the same properly and efficiently, and in the mode contemplated by the law by this charter. The comptroller shall prescribe and issue with the approval by ordinance of the council such a system of controlling accounts, documents and reports for his own office, and each department bureau or activity of the city government as shall most effectively keep a correct record of the business of the city. It shall be the duty of the comptroller to see that the accounts of his own and other officers of the city and its departments, bureaus and activities are so kept that they will confirm to the best system of accounting adopted in other cities of the country and readily admit of the comparison of St. Paul's city government and finances with those of such other cities.

Shall appoint assistants.—Sec. 72. The comptroller shall appoint at a salary not exceeding $2,500 a year to be fixed by the comptroller, an examiner who shall be a skilled accountant; a qualified civil engineer of five years' municipal engineering practice, at a salary not to exceed $2,500 a year to be fixed by the comptroller; a deputy comptroller at a salary not exceeding $2,000 a year to be fixed by the comptroller; an auditor at a salary of $1,500 a year and a bookkeeper at a salary of $1,200 a year, together with such other clerical assistants as the council may authorize at the suggestion of the comptroller, and at salaries to be fixed by the council. It is the intent of this charter that the comptroller shall have sufficient help to carry out the duties prescribed under this charter and it is the duty of the council to carry out this intent.

Examination of the departments.—Sec. 73. It shall be the duty of the comptroller to make an exhaustive examination at least once a year, into

the accounts and methods of each department or office with which he keeps controlling accounts and to report the result of such examinations to the city council, in such form as to be understoood by the average layman. He shall from time to time compile statistics showing in summary or detailed form as his judgment may dictate, the state of the city business. Annually as soon as practicable after January 1 of each year, and in any event not later than March 1, said comptroller shall make a complete report upon all the business of the city for the last previous fiscal year, and shall present it carefully collated and indexed to the council, and said council shall cause it to be printed forthwith in an edition of at least 1,000 copies which shall be distributed to the public free of charge upon application to the comptroller.

Monthly statement.—Sec. 74. Within ten days after the end of each calendar month the comptroller shall present to the city clerk and the city clerk shall cause to be printed in the official paper of the city a condensed statement of all receipts and disbursements of the city during such preceding month, which statement shall be classified under the various budget funds, and shall show the payments from said funds for the month just closed, the total payments from such funds from the first of the fiscal year to the end of said month, the budget allowance for said fund and the balance at the end of the month.

To furnish information.—Sec. 75. It shall be the duty of the comptroller upon application of the council to prepare and submit to the council in proper form any information dealing with the financial problems of the city, which said council may desire in the transaction of the city's business, and it shall be the duty of all city officers upon request to make any reports to the comptroller which he may desire in this connection and to aid him in all other ways to comply with the request of the council. The comptroller and his duly authorized agents shall have access at all times to any and all work of the city whether completed or in progress and to all property of the city for the purpose of inspection.

Ex-officio civil service commissioner.—Sec. 76. The comptroller shall be ex-officio civil service commissioner and shall enforce the provisions of this charter with relation thereto.

Audit claims or demands.—Sec. 77. Every claim against the city or any department bureau or activity thereof shall before allowance by the council for payment be audited by the comptroller who shall designate in his report thereon the particular fund out of which the same is payable. All orders drawn and payments made for service rendered to the city or any of its departments, bureaus or activities shall be made to the person who has actually rendered the service. Before any order on the city treasury shall be signed by the comptroller or countersigned by the mayor and the city clerk for payment to any person whatsoever for any service or anything rendered or furnished the City of St. Paul, such order shall designate upon its face the legislative act, the section thereof or the chapter, title or section of this charter, or the resolution or ordinance of the council, giving the date of the passage thereof, under authority of which such order is drawn.

Payments by check—Receipts.—Sec. 78. All payments from the city treasury shall be by check upon city depositories, under such system of warrants and vouchers as the council may on the recommendation of the comptroller adopt. For all moneys paid into the city treasury, the city treasury shall issue duplicate receipts under such a system that these receipts must be countersigned in the comptroller's office before they are valid, and one must be retained there as a permanent record. The duplicate rceeipt shall be handed over by the comptroller to the person who makes the payments.

Comptroller to check treasury each day.—Sec. 79. On each business day after the close of receipts and payments in the city treasury, the comptroller shall check all the receipts and disbursements of such day; and the treasury shall deliver to the comptroller all evidences of the payment of moneys that have come to its possession during the day; the same after adequate cancellation of all instruments in the form of commercial paper, to be retained

as part of the records of the comptroller's office until destruction of the same shall have been authorized by the council; provided, that the stubs of receipts issued for moneys paid into the treasury may be retained by the treasury where duplicate receipts have been placed in the hands of the comptroller.

Treasurer to report.—Sec. 80. At the close of each day's business the treasury shall make to the comptroller a statement showing with respect to each city fund the amount of the annual appropriation for such fund, the amount of money on hand to its credit at the beginning of business on that day, the amount of receipts to its credit on that day, the amount of payments made from it on that day.

To act in harmony.—Sec. 81. The business hours of the comptroller's office and the city treasury shall be so fixed and the offices shall be so arranged as to permit the convenient transaction of the business therein, in the mode prescribed in accordance with the provisions of this charter. In the event of the comptroller and treasurer failing to agree upon such arrangement, the mayor shall make an order arranging proper conditions.

Custodian of documents.—Sec. 82. The comptroller shall be custodian of all official and other surety bonds relating to the city's business, of all deeds, insurance policies and other contracts and agreements except as may otherwise be provided in this charter.

To take up evidence of indebtedness.—Sec. 83. Upon payment to the treasury of any note, order, bond or coupon, it shall require the surrender thereof and shall take the same into its possession as evidence of such payment. The comptroller may require the taking by the treasury of such other evidences of payment, in any case, as he may deem necessary for the due protection of the city and the safe or convenient transaction of its financial business.

To complete record.—Sec. 84. The comptroller shall at all times keep a full and complete record of all deeds, bonds, insurance policies, contracts, agreements, and other instruments of a similar nature in his custody belonging to the city, or any department, bureau of activity thereof, showing the disposition, if any, thereof; and also a complete record of all securities whatever coming into the hands of the commissioner of finance, showing the disposition, if any, thereof.

Shall be member of the sinking fund committee.—Sec. 85. The comptroller shall be a member of the sinking fund committee. With the mayor he shall from time to time examine the securities in the hands of the city treasurer and see that they are properly and safely kept.

Responsible for legality of contracts.—Sec. 86. The comptroller shall refuse to countersign any contract to which the City of St. Paul is a party, unless all the requirements of this charter and the laws of the state and the ordinances of the City of St. Paul have been complied with, but advice of the city's law officer that the contract is in due form and that these requirements have been complied with will justify the comptroller in countersigning.

Countersign instruments.—Sec. 87. The comptroller shall countersign all deeds, leases and other instruments of this class to which the City of St. Paul is a party or is in any way interested, and such instruments if not so countersigned shall not be valid.

Comptroller of all departments.—Sec. 88. The comptroller shall be comptroller of the City of St. Paul and of all the departments, bureaus, or activities under the control of said city or in which the city is in any way interested.

Fees to be turned in daily.—Sec. 89. Whenever in pursuance of law or of this charter any officer or employe of the City of St. Paul or of any of its departments, bureaus or activities, shall be charged with the duty of collecting or receiving any fees or other moneys for the use of said city or department, bureau or activity, he shall under the direction of the comptroller, keep full and accurate accounts and records of all such fees and moneys by him re-

ceived, and at the close of each day's business pay all of the same then in his hands into the city treasury at the same time making due report thereof to the comptroller in such form as the comptroller may prescribe.

No division of moneys.—Sec. 90. Save as may be otherwise provided in this charter no moneys levied, collected or received on account of any fund shall be diverted by the council or by any other person to the use of any other fund, nor shall it be transferred or loaned.

Clerks to be certified.—Sec. 91. Any officer of the city or any department, bureau or activity thereof who under the laws or under the provisions of this charter is entitled to any sum or allowance for clerk hire, or who is entitled to any clerk or assistant in the performance of his official duty, shall in writing certify to the comptroller and to the mayor the name of such clerk or assistant, the date of his appointment and the amount of compensation he is to receive; and whenever such clerk or assistant named in such certificate ceases to act as such, said officer shall forthwith certify such fact to the comptroller and to the mayor.

Requests for appropriations itemized.—Sec. 92. Every request made of the council for authority to make any purchase for said city, or for any department bureau or activity thereof, or otherwise to create any liability against said city shall save as otherwise expressly provided in this charter, be itemized.

Shall keep inventories.—Sec. 93. Said comptroller shall keep inventories of the property belonging to the City of St. Paul or any of its departments, bureaus or activities, or in which said city has directly or indirectly any interest, and he may require any officer of said city, bureau or department to keep like inventories of the property under his control and report copies thereof on demand to said comptroller. Said comptroller shall keep an account showing in complete, comprehensive, yet clear and simple form the assets and liabilities of the city from year to year.

Method of auditing claims against the city.—Sec. 94. On recommendation of said comptroller the council shall by ordinance establish a system for the auditing of claims against said city which shall effectively protect said city from loss.

Limitations.—Sec. 95. No claim for services shall be allowed unless the person rendering such service has his name enrolled with the civil service commission as in the employment of the city and the class, grade, rate of compensation and department in which employed are specified on said roll, except as in this charter otherwise provided. All claims for services by the day or hour must be supported by an adequate time report showing services rendered. Claims for supplies for emergency repairs must be certified to by the purchasing agent setting forth facts constituting the emergency. No requisition shall be certified or honored by any city officer or employe unless it shows on its face that the comptroller has certified that there are available funds to pay for the thing requisitioned. No claim for general supplies in bulk in anticipation of requisitions therefor shall be allowed unless such supplies have been duly delivered to the city and duly inspected. Whenever supplies are bought in bulk by the purchasing agent in anticipation of requisitions therefor, said purchasing agent shall make such report as the comptroller may prescribe, giving all details as to prices; amounts, cost, evidences of delivery, and all other details necessary for the protection of the city. When satisfied as to all details the comptroller shall draw a proper warrant covering such claims as have been satisfactorily proved, and shall apportion the payments to the several departments so that each shall pay for the supplies actually purchased for and to be used by that department. Each item shall be charged to the appropriate fund.

Except for supplies so bought in bulk, no claim for supplies shall be allowed unless supported by a requisition approved by the comptroller; and unless prices thereof are certified by the purchasing agent as correct; and unless properly inspected. Where purchases are made under contract, claims for payment thereof shall not be allowed unless the contract has in all re-

spects been complied with. All contract work must be properly inspected and reported upon as done in accordance with the terms of the contract, and all materials as complying with specifications; must be approved by the department for which it has been performed; must have been covered by the bond required under this charter; and the contractor must make affidavit that all claims for services and material used in connection therewith have been paid in full to date, before any claim shall be allowed or paid by the city. No final claim or estimate on any contract work shall be paid until the contract is fully completed and properly accepted by the proper city officers as provided for in this charter.

No claim for extra labor or material shall be allowed unless the cost thereof has been fully agreed upon by the department for which the labor or material is furnished and the contractor, and a memorandum of said agreement has been filed with the comptroller and countersigned by him prior to the furnishing of such extra labor or material.

All disbursements expressly required by the laws of the state, or to maintain the credit of the city shall be allowed subject to the ruling of the corporation counsel as to their legality. All disbursements authorized by the council from moneys under the direct control of the council, may be allowed by the comptroller on receipt of such authorization and subject to the terms thereof.

Board of Control and City Hall and Court House Committee.—Sec. 96. The limitations in the last preceding sections shall not apply to claims against the Board of Control and the City Hall and Court House Committee. On recommendation of the comptroller the council may provide by ordinance for such arrangement as said comptroller may be able to make, and which he and said council may deem desirable, with the County of Ramsey for monthly or semi-monthly settlements of all claims against the city for the city's share of the expenses of the Board of Control and the City Hall and Court House Committee; provided, that before payment all such claims shall be audited by the comptroller and shall be supported by proper evidence of payment on the part of the county.

Council may audit.—Sec. 97. On recommendation of the mayor the council may order an audit of the accounts of any department by a competent certified accountant not otherwise in the employ of the city.

May keep cost accounts.—Sec. 97a. On recommendation of the comptroller and in such form as he may recommend, the council shall have power to establish a system of cost accounting for all departments, bureaus and activities of the City of St. Paul.

CHAPTER VII.

The Civil Service.

Bureau.—Sec. 98. There is hereby created a Bureau of Civil Service of which the comptroller ex-officio shall be the Civil Service Commissioner.

Commissioner's powers.—Sec. 99. The Commissioner shall appoint a chief examiner who shall be in the classified service, and such clerks and subordinates, if any, as may be authorized by the council, which shall also fix and determine the compensation of the chief examiner, clerks and subordinates.

Classification.—Sec. 100. The civil service of the City of St. Paul is hereby divided into two classes, namely: The Classified Service and the Unclassified Service. The Unclassified Service shall comprise:

A. All officers elected by the people.
B. All heads of executive departments.
C. A secretary for the mayor and one deputy for the head of each executive department.

D. The superintendent and all teachers, instructors and principals of the public schools.

The Classified Service shall include all other offices now existing, and all officers and employes holding places not excepted from said service. It shall also include all other offices which may hereafter be created, unless expressly excepted therefrom.

Promulgation of rules.—Sec. 101. The Commissioner is hereby authorized and empowered to frame and submit to the council for its approval, rules and regulations for the Classified Service, and such approval shall be given by an ordinance which shall set out in full such rules. Such ordinance need not be published in the official paper, but may be printed in pamphlet form. When so approved such rules shall have the force and effect of law. Such rules and regulations may be amended or repealed with the consent of the council in the same manner as provided for original adoption.

The Commissioner shall keep a record of all orders and of all examinations held pursuant to the provisions hereof, and shall make suitable and proper investigations concerning the enforcement and effect of this charter and of the rules provided for herein. He shall report to the mayor at least once each year, and as much oftener as he may require.

The rules herein provided shall provide amongst other things:

A. For the proper classification of all offices in the Classified Service.

B. For open competitive examinations to test the relative fitness of all applicants for such positions.

C. That public notice be given of all such examinations at least ten days in advance thereof, in at least one newspaper of general circulation, and also by posting such notice in the Court House and City Hall.

D. For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their rating in the examinations. Such lists shall, however, not remain in force more than two years.

E. For the rejection of otherwise eligible candidates who fail to comply with the reasonable requirements of the Commissioner in regard to age, residence, sex, physical condition, or who have been guilty of crime or of infamous or disgraceful conduct, or who have attempted any deception or fraud in connection with an examination.

F. For the appointment, to fill a vacancy, of one of three persons who are rated highest on the appropriate list.

G. For a period of probation not to exceed six months after any appointment or promotion is made, during which period such probationer may be discharged or reduced with the consent of the Commissioner.

H. For temporary employment without examination with the consent of the Commissioner in cases of emergency and pending appointment from an eligible list. But no such temporary employment shall continue longer than sixty days nor shall successive temporary employments of the same person be allowed.

I. For transfers from any position to a similar position in the same class and grade and also for reinstatement within one year of persons who without fault or delinquency on their part are separated from the service or reduced.

J. For promotion based on competitive examination and upon a record of efficiency, character, conduct and seniority. Lists shall be prepared and kept and promotions made therefrom in the same manner as provided herein for original appointments. Any advancement in rank or any increase in salary beyond the limit fixed by the rules shall constitute a promotion. Whenever practicable vacancies shall be filled by promotion.

K. For suspensions for not longer than thirty days, and for leaves of absence.

L. For discharge or reduction either in rank or compensation after appointment or promotion only when the person to be discharged or reduced has been presented with the reasons for such discharge or reduction, specifically stated in writing and has been allowed a reasonable time to reply thereto in writing. The reasons and the reply must be filed as a public record with the Commissioner.

M. For the appointment of the unskilled laborers in the order of priority of application after such tests of fitness as the Commissioner may prescribe.

Exceptions to rules.—Sec. 102. In case of a vacancy in any office which requires peculiar or exceptional qualifications of a scientific, professional or expert character, and upon satisfactory evidence that competition is impracticable and that the office can best be filled by the selection of some designated person of recognized attainments, the Commissioner may, with the written consent of the mayor, suspend competition, but no such suspension shall be general in its application to such office and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the Commissioner.

Examinations.—Sec. 103. All examinations shall be impartial and shall have reference to the duties and requirements of the office or position to be filled. When oral tests are employed, a complete record of questions and answers shall be made. Examinations shall be in charge of the chief examiner, except when the Commissioner shall act as examiner. The Commissioner may call on other persons to conduct, or mark examinations and when such persons are connected with the city service it shall be deemed a part of their official duty to act as such examiners without extra compensation.

Present incumbents.—Sec. 104. All persons holding positions in the Classified Service of the city as established by this charter, at the time it takes effect, shall retain their positions until discharged, reduced, promoted or transferred in accordance therewith. The Commissioner shall keep as a public record a civil list of all persons in the service of the city, which shall show the name of every officer or employe, the office or service, position held, the date and character of every appointment and of every subsequent promotion, and reduction, and every change in salary or otherwise. Each appointing officer shall promptly transmit to the Commissioner all information required for the establishment of said civil list.

Prohibitions.—Sec. 105. No treasurer or other public disbursing officer of the city shall pay any salary or compensation for service to any person holding a position in the Classified Service unless the payroll or account for such salary or compensation shall bear the certificate of the Commissioner that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this chapter and of the rules established thereunder. Any taxpayer of the city may institute and maintain an action in the District Court to recover for the use of the city any sum or sums paid or disbursed contrary to the provisions of this section from the person or persons authorizing such payment, and may likewise institute and maintain an action to enjoin the Commissioner from attaching his certificate to a payroll or account for services rendered in violation of the provisions of this chapter or of the rules established thereunder.

Investigations.—Sec. 106. In any investigation conducted by the Commissioner he shall have the power to compel the attendance of witnesses and the production of books and papers pertinent to the investigation and shall likewise have power to administer oaths to such witnesses.

Political beliefs.—Sec. 107. No person in the classified service, or seeking admission thereto, shall be appointed, reduced or removed or in any way favored or discriminated against because of his political opinions or affiliations.

Political activity.—Sec. 108. No officer or employe of the city shall, directly or indirectly, solicit or receive or be in any manner concerned in soliciting or receiving assessment, subscription or contribution for any political party or political purpose whatsoever. No person shall, orally or by letter, solicit or be in any manner concerned in soliciting any assessment, subscription or contribution from any person holding a position in the Classified Service for any political party or purpose whatever.

Violations.—Sec. 109. Any person violating any of the foregoing provisions or the rules established thereunder shall be guilty of a misdemeanor.

Officers to be voters.—Sec. 109-a. All elective officers of the City of St. Paul shall be qualified voters of said city at the time of their election and

qualification for office. All male appointive officers shall be qualified voters at the City of St. Paul at the time of their election, appointment and qualification, except that by unanimous action of the council to fill a position requiring especially skill this requirement may be waived. All employes of the City of St. Paul shall be bona fide residents of the city at the time of their employment.

CHAPTER VIII.

The Council—Its General Powers and Duties.

Council.—Sec. 110. The legislative authority of the City of St. Paul shall be vested in the council, which shall be composed of the six councilmen and the mayor, who ex-officio shall be the presiding officer or president thereof.

Meetings—Regular and Special.—Sec. 111. The council shall meet at the city hall of said city on the first Tuesday of June of each year at ten o'clock in the morning and daily thereafter at ten o'clock in the morning, and at such other times as it may determine, except Sundays and legal holidays. The mayor may call special meetings of the councilmen and the city clerk shall do so upon the written request of four councilmen at such time as may therein be specified. Notice in writing of special meetings shall be served upon each member of the council personally or be left at his usual place of abode at least six hours in advance of such meeting, except with the unanimous consent or waiver of such notice by the entire council, which consent or waiver shall be in writing.

Quorum—Rules.—Sec. 112. A majority of the council shall constitute a quorum to transact business, but a smaller number may adjourn from time to time and compel the attendance of absent members under such terms and penalties as it may prescribe. It may adopt rules and regulations for its government not inconsistent with law and this charter, sit upon its own adjournment and punish its members for disorderly conduct.

Officers. (a) Vice-Presidents.—Sec. 113. On the first Tuesday of June of each even numbered year, or as soon thereafter as practicable, the council, by ballot, shall elect from its members a vice-president and a second vice-president, each of whom shall hold office for a term of two years beginning with the said first Tuesday and until their successors are elected.

(b) City Clerk. At the same time and for the same period or term and in the same manner, the council shall elect a city clerk, who shall hold office until his successor is elected and has qualified.

Journal—Votes.—Sec. 114. The council shall keep a journal of its proceedings, and the yeas and nays when taken on any question shall be entered therein. Any member present who fails to vote shall be counted in the negative. The presiding officer at each regular session shall sign, during the session, the city clerk's record of the proceedings of the last meeting, after the same has been corrected and approved by the council.

Acting Mayor.—Sec. 115. During the absence of the mayor from the city, or in case of his death, inability, or incapacity for any reason to discharge the duties of his office, the vice-president of the council shall exercise all the powers and discharge all the duties of the mayor and he shall be styled, "Acting Mayor of St. Paul," and the second vice-president of the council shall perform the duties and exercise the powers of acting mayor in case of the inability of the vice-president to act as acting mayor.

Legislation, mode of.—(a) Ordinances.—Sec. 116. Every act or bill of the council which shall define license, regulate, suppress, prevent or prohibit any act, business or person, or be in any way an exercise of the legislative powers, grant any right, franchise or privilege or a modification thereof, or appropriate any money or create any liability against the city shall be ex-

pressed in, done by and created by an ordinance. And, likewise any amendment, modification or repeal of an existing ordinance of a similar character.

(b) Administrative ordinances. Every act or bill which shall define, regulate or create any office, or prescribe the powers and duties of any officer or department, or the procedure for the performance of any administrative act, or promulgate any rule or regulation for the better government and conduct of the city government shall be created by, expressed and done under an administrative ordinance.

(c) Resolutions. Every other act, deed, expression, order or direction, not hereinbefore defined or limited, or the approval of any administrative act or the appointment of any officer shall be performed by means of and done under a resolution of the council and not otherwise.

Ordinances—Form and procedure.—Sec. 117. Whenever any proposed ordinance shall be presented to the council, it shall be read in full at the meeting at which it shall be presented and read again by the title thereof at two separate meetings not less than a week after the meeting at which the same is presented. After such ordinance shall be complete in the form in which it is finally passed, it shall remain on file in the office of the city clerk for public inspection at least one week before the final passage or adoption thereof.

No ordinance, except that creating the annual budget, shall embrace more than one subject, which shall be expressed in its title.

Ordinances making appropriations shall be confined entirely to appropriations, and nothing otherwise.

The enacting clause of all of the above ordiances shall be: "The Council of the City of St. Paul does ordain."

Administrative ordinances.—Sec. 118. Shall be adopted by the same procedure as hereinabove prescribed for other ordinances. The enacting clause shall be the same as for other ordinances. Administrative ordinances shall be designated by the word "Administrative," preceding the title. No action of the council shall be invalid because an ordinance is used where an administrative ordinance is indicated in this charter or an administrative ordinance is used when an ordinance is indicated. The term "Ordinance" shall embrace ordinances and administrative ordinances.

Resolutions.—Sec. 119. Any resolution may be presented and adopted at the meeting at which it is presented.

Votes necessary.—Sec. 120. No ordinances, administrative ordinance or resolution shall be finally adopted or passed, or operative and binding unless the same shall be passed and adopted by an affirmative vote of a majority of all of the members elect of the council, including the mayor. All such votes shall be taken by ayes and nays and shall be entered upon the record of the proceedings of the council.

Mayor's veto.—Sec. 121. Every ordinance or resolution not making an appropriation which shall pass the city council shall be presented to the mayor, as soon as practicable for approval or rejection, and in any event not later than five days after its passage. If he approves thereof, he shall sign it within five days of its presentation to him, and shall deposit the same in the office of the city clerk where it shall be permanently preserved as a public record. If he does not approve it, he shall return is within five days to the city council with a communication in writing setting forth the fact of his disapproval and the reasons thereof, and his communication shall be entered at large in the journal of the city council. Said body shall then proceed to reconsider said measure. If after such reconsideration, a majority of all the members elected to the city council vote affirmatively, in favor of passing said measure, notwithstanding the veto of the mayor, it shall become operative notwithstanding said veto; but in all such cases the vote of said council shall be taken by yeas and nays, and the names of all persons voting for or against said measure shall be recorded in the journal of the council. Should the mayor fail or refuse to return to the council within five days any measure presented to him for approval or veto, it shall become operative at the

end of said five days just as though approved and signed by the mayor. Any order, resolution or ordinance of the council, requiring more than a majority of votes of said council to pass in the first instance shall require as great an affirmative vote to pass over the veto of the mayor.

Mayor's approval of appropriation ordinances.—Veto.—Sec. 122. Every ordinance, making an appropriation or authorizing any liability, shall before it be binding and operative, be presented to the mayor for his approval or rejection. He may approve or reject the whole thereof, in which event the procedure shall be the same as in the preceding section. Or, he may approve part thereof and disapprove or reject any item or items thereof, and in such cases he shall note on the margin thereof and opposite such item or items, the word "Rejected" and shall also in writing state what item or items, by reference thereto, he has disapproved or rejected together with the reason therefor. The city clerk shall forthwith strike out of such ordinance any such rejected item and proceed in all other respects as if such rejected item or items were not therein contained. At the next regular meeting of the council he shall present to such body for its reconsideration a verbatim copy of all such rejected items, together with the title of such ordinance and other necessary references thereto to clearly identify the same, and the statement of the mayor disapproving and rejecting such items. If after reconsideration, the council shall again pass such rejected and disapproved item or items or any one of them, by an affirmative vote of two-thirds of the five members elect except the mayor, then the city clerk shall forthwith publish such item or items repassed or readopted, together with the title of such ordinance from which the same were taken, preceded by a supplemental statement to the effect that such items were repassed or readopted by the council notwithstanding the disapproval thereof by the mayor. In all other respects the provisions of the preceding section shall apply to appropriation ordinances.

Publication in newspaper.—Sec. 123. Except as herein otherwise provided every ordinance, administrative ordinance and resolution shall, before it becomes operative, be published in full in the official newspaper, and each shall be recorded by the city clerk in separate books for each class. These shall be admitted as evidence in any court without further proof. Resolutions may be published with the dates of their approval without appending thereto the signatures.

The council may, by an administrative ordinance, provide for the publication in the official newspaper of the title and abstracts of the contents of all ordinances, (except appropriation ordinances), administrative ordinances and resolution instead of and in place of such publication in full as hereinbefore provided. In the event of the publication of such abstracts, it is hereby made the duty of the corporation counsel to prepare the same for the city clerk.

Proof of the publication of any ordinance, administrative ordinance or resolution shall be made by an affidavit of the publisher, printer, his foreman or his clerk, of such newspaper with a printed copy of such publication thereto annexed, or other competent proof of publication, and the same shall be prima facie evidence in any court of the legal passage, enactment, approval, publication and promulgation thereof.

Publication in volume.—Sec. 124. As soon as practicable after the first day of January of each year the city clerk shall cause to be published in full and in a separate book with index thereto every ordinance adopted during the preceding year, and likewise in a separate book every administrative ordinance, but such separate books may be bound in one volume or under the same covers, and shall constitute part of and be known respectively as the "Legislative Code" and the "Administrative Code."

Revisions.—Sec. 125. The council, at any time, may make a complete and thorough revision of all the ordinances of the city, except franchise ordinances, and omit from such revision all appropriation and all other ordinances not then in effect and adopt such revision as a single ordinance and publish the same as a separate book to be known as the "Legislative Code." And likewise revise, adopt and publish all administrative ordinances under the title of

"Administrative Code." Such books may be published and issued in separate volumes or in one volume.

General powers of the council.—Sec. 126. The council shall have the full management and full control of the property and finances of the city subject to the provisions of this charter; to appropriate money for city purposes only, except as herein otherwise provided, and shall have full power and authority to make, enact, ordain, establish, enforce, alter, modify, amend and repeal any and all such ordinances, rules and by-laws for the good government of the city, the protection of its property; the preservation of peace and good order, the suppression of vice and intemperance, the prevention of crime, the benefit of trade and commerce, the preservation of health, the prevention and extinguishment of fires, and to promote the general welfare, education, comfort, and well-being of the city and its inhabitants. The enactment of any ordinance, rule or by-laws hereunder shall be held and construed to be a reasonable and lawful exercise of the powers herein granted.

Specific powers of council.—Sec. 127. For a more specific enumeration and definition of some of the powers granted hereinbefore, a fuller exposition thereof and as an additional grant thereto, the council shall have the power and authority:

A. The common council shall have power:

1. **Eminent domain**—To exercise the right of eminent domain.
2. **Purchase**—To acquire property by purchase and private sale as by this charter provided.
3. **To acquire property**—To acquire and take real and personal property by gift, devise or bequest and hold and employ the same for public purposes.

B. The council shall have power by ordinance:

1. To define, license, regulate and restrain:

a. Theaters, halls, exhibitions and shows and entertainments of all kinds.
b. Dances and dance halls.
c. Billiard and pool rooms, bowling alleys and other similar places and the proprietors and keepers thereof.
d. Hotels, boarding houses and restaurants.
e. Auctioneers and public auctions.
f. Pawn brokers.
g. Intelligence and employment offices and agents.
h. Second-hand stores and junk shops and the owners and managers thereof.
i. Hawkers, peddlers, porters, runners, agents and solicitors for common carriers, express companies, hotels or other establishments.
j. Ticket agents and brokers and immigration and steamship agents.
k. Draymen, cartmen, cabmen, hackmen, omnibus drivers and chauffeurs.
l. Vehicles of all kinds whatsoever, and the use of the streets, public thoroughfares, highways and places by such vehicles; and also the carrying and hauling of persons and property for hire. All monies realized from any license or licenses thereunder shall be appropriated and used solely for the purpose of repairing and keeping in good condition for travel such streets, thoroughfares, highways and public places in addition to such other monies as may be appropriated therefor.
m. Vendors or dealers in inflammable oils or substances, firearms, fire works or explosives of any kind.
n. Vendors of meats, vegetables and other food products.

2. To regulate the size and weight of bread sold or prepared for sale, and the manner of weighing and selling hay.
3. **Liquor licenses.**—To license and regulate except as herein otherwise provided, all persons, vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors and all places in which the same are dealt in, vended or disposed of.

b. To prevent or prohibit any person from giving or dealing in spirituous, fermented, malt or vinous liquors unless duly licensed by the common council.

c. Patrol limits—To establish, alter, enlarge and contract patrol limits within said city and to prevent, suppress and prohibit the sale or other disposal of any spirituous, fermented, malt, vinous or other intoxicating liquor within such limits, except by duly licensed druggists for medical, mechanical or chemical purposes to be used elsewhere than upon said druggist's premises. Provided, however, that said council shall never grant any license to sell or otherwise dispose of any such spirituous, fermented, malt, vinous or other intoxicating liquor except to such druggists for the purpose aforesaid within the limits of the following territory, viz: Sections twenty-eight (28) and twenty-nine (29), the east half (½) of the east half (½) of section thirty-two (32), and all of section thirty-three (33) in township twenty-nine (29), range twenty-three. (23) and the east half (½) of the east half (½) of section five (5) and all of section four (4) in township twenty-eight (28) of range twenty-three (23), all in Ramsey county, Minnesota, and also within any territory within two hundred (200) feet of any of the boundary limits thereof, nor within a distance of one-half (½) mile of any college, university or reformatory institution within the limits of the new territory added to said city by Chapter 281 of S. L. 1885, validated by Chapter 574, S. L. 1889.

4. To define, prevent, prohibit and suppress:
a. Gambling and fraudulent practices and devices.
b. Drunkenness and obscenity.
c. Vagrancy, mendicancy and prostitution.
d. Disorderly houses, houses of ill fame and groggeries.
e. Riots, noise and disorderly assemblages.
f. Disorderly or mischievous conduct, or conduct annoying or dangerous to others, or detrimental to the rights of person or property.
g. Vice and crime.
h. All practices and acts whatsoever inconsistent with the preservation of peace and good order and the just rights and comfort of the inhabitants of the city.

5. To regulate and control, prevent and prohibit:
a. The use, sale or offering for sale of firearms, explosives, or fireworks or the use or exhibition of any firearms, fireworks or explosives in any place which may be considered by the common council dangerous or annoying to any citizen.
b. The receipts, storage, transportation and traffic in any inflammable oil or substance or any explosives within said city, or within one mile of the corporate limits thereof.
c. The carrying of concealed weapons.
d. The running at large of any animals.
e. The encroachment upon or obstructing or incumbering of any highways, sidewalks, public grounds or levee.
f. The cutting of ice within the city limits and the sale thereof.
g. The burial of the dead within the city limits or within one mile beyond such limits, and to regulate the location and conduct of cemeteries and crematories.
h. Places of bathing and swimming in the waters within the city limits.
i. The landing and conveyance of paupers and persons in destitute condition into said city not having a legal residence or settlement therein by any railroad train, boat, vessel or other means of conveyance, and to require that such persons shall be taken back to the place from whence they may have been brought by the person or persons conveying or leaving them in said city.
j. The penning, herding and treatment of all animals within the city.
k. The emission of dense smoke.

6. To define, regulate, prohibit and abate nuisances.

7. To compel owners, agents or occupants to keep all buildings and premises and the streets, sidewalks and alleys adjacent thereto in a cleanly, wholesome, safe and passable condition and to regulate the disposal and collection of all refuse whatsoever.

8. To compel the registration of births and deaths and the collection of other vital statistics.
9. To impose a tax on dogs and regulate the keeping thereof and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance and to provide for the killing of dangerous or vicious dogs and to punish by fine or imprisonment the owner or keeper of any such dog who refuses to deliver up the same to be killed or to pay the tax imposed thereon.
10. Building regulation and fire protection.

a. To regulate the construction, alteration, removal and repair of all structures and the permanent equipment thereof, and to provide for the safety of the occupants of all structures and all property in the vicinity thereof against danger from fire or panic or from methods of construction or installation detrimental to life, health or property, and to prohibit the use of buildings or parts of buildings when dangerous to life from collapse, fire or panic.

b. **Fire limits—prescribe.** To prescribe, contract or extend the limits within which wooden buildings or buildings of other materials that shall not be considered as fire proof shall not be erected, placed or repaired; to direct that all and any buildings within the limits prescribed shall be made and constructed of fire proof materials; to prohibit the rebuilding of wooden buildings within the fire limits when the same shall have been damaged to the extent of fifty per cent of the value thereof, and to prescribe the manner of ascertaining such damage.

c. To prescribe limits within which all roofs shall be covered by non-combustible material.

d. Compel the installation in all structures of devices, appliances and arrangements for the preservation of life, health and property.

e. To regulate the storage and handling of all combustible or other substances, articles, equipment or devices affecting the fire hazard.

f. To license, regulate, prohibit and suppress the erection and maintenance of signs, signboards, billboards and fences.

g. To establish and enforce building lines and to regulate the height of buildings.

h. To regulate the measurement and inspection of building materials and of fuel of all kinds.

11. To regulate the location of stock yards, slaughter houses, rendering plants, soap factories, tanneries, stables, privies and other unwholesome or nauseous houses or places.
12. To designate and set apart certain thoroughfares as parkways or boulevards and regulate the use of the same and prohibit hauling heavy loads thereon.

C. The council shall have power:

1. To pass all ordinances necessary or expedient for the preservation of health and the suppression of disease, to prevent the introduction of infectious or contagious diseases into the city, and to make and enforce quarantine laws. The jurisdiction of said city shall extend to and be enforced over any lands within the County of Ramsey purchased or used by said city for the purpose of a quarantine, for police and sanitary regulation; and for the preservation of the health of said city, and the suppression of disease and abatement of public nuisances, and the suppression of any business contrary to the sanitary regulation of the common council or the commissioner of health, the jurisdiction of said city shall extend for a circuit of one mile beyond the present or any future limits of said city.
2. Pass any other ordinances and resolutions necessary to carry out the intent and provisions of this charter.

D. **Penalties and enforcement of ordinances**—The council shall have full power and authority:

1. To revoke for misconduct of a licensee any license granted under this charter.

2. To declare and impose fines and penalties and to enforce the same against any person who may violate any of the provisions of any ordinance or resolution and all such ordinances and resolutions are hereby declared to be and have the force of law; such fines and penalties may extend to a fine not exceeding one hundred dollars, or imprisonment in the workhouse not exceeding ninety (90) days or both; and offenders against any ordinance or resolution as aforesaid may be required to give security and to keep the peace not exceeding six months and in a sum not exceeding five hundred dollars.

3. To provide by ordinance that anyone convicted of an offense before the Municipal Court subjecting such offender to an imprisonment under the charter and ordinances of said city may be kept at hard labor in the workhouse established for that purpose.

4. To establish by ordinance all needful regulations for the security and discipline of such persons, provided that the Municipal Court shall not have the nower to commit for vagrancy any persons to the city prison, city workhouse or county jail for a longer period than thirty days.

E. **County prisoners—Power to contract as to.**—The provisions of Chapter 76 of the Special Laws of Minnesota 1883 so far as the same relate to the contracts for the confinement and board of county prisoners is hereby in all respects continued in full force and effect.

F. **Municipal undertakings.**—The council shall have power by ordinance:

1. **Markets.**—To erect and maintain market houses and to establish markets and market places.

2. **Wharves and levees.**—To control, regulate and cause to be constructed, altered and maintained, wharves and levees and grading and paving along the banks of the Mississippi river within the city limits. To prescribe and control the prices to be charged for wharfage thereon; to prevent or remove all obstructions in the water of said river and to regulate the landings, levees, wharves and piers within the city limits and the boats and vessels landing and mooring at the same, and the charges therefor; to have and exercise the same power and control over the said river within the limits of said city that it may possess over its streets, highways and alleys so far as such power and control may not be inconsistent with the laws of the United States or of this state.

3. **Garage.**—To establish and maintain a garage for the housing, care and repair of all automobiles owned by the city. When so established such garage shall be under the management and control of the Commissioner of Public Safety and shall be subject in all respects to the provisions of this charter. The Commissioner of Public Safety with the approval of the council may contract with the County of Ramsey for the housing, care and repair of any automobiles belonging to such county.

4. **Pounds**—To establish and regulate public pounds and to provide for the empounding of animals running at large and the sale of unclaimed animals.

5. **Lighting.**

a. To provide for lighting the city and lighting and heating all public buildings and furnishing power thereto.

b. To establish, erect, maintain and cause to be operated gas works, electric lighting and power plants or other works for lighting the streets and public grounds, and lighting and heating public buildings and furnishing power thereto and to sell and furnish light, heat and power to the citizens of said city and to occupy and use the public streets and conduits therein in connection therewith.

6. To purchase, erect, establish and maintain conduits, subways and appliances for lighting purposes, the use of which conduits, subways and appliances said common council may let to any person, firm or corporation contracting to light said city or part thereof for a term not exceeding said contract.

Provided, however, that the Commissioner of Public Utilities shall have exclusive power and jurisdiction within the limitations of this charter as to the location of all lamps.

6. **Municipal paving plants.**—To provide, maintain and cause to be operated under the supervision of the Commissioner of Public Works, municipal quarries, apparatus and other facilties for the manufacture, construction and laying of all kinds of street pavements and sidewalks.

7. **Sprinkling plants, etc.**—To provide, equip and maintain apparatus and facilities for the cleaning, repairing and sprinkling of streets, alleys, sidewalks, sidelawns, public grounds, and levees and for the collection and disposal of garbage and all other waste material.

Control of public highways, etc.—City not liable for railroad accidents.—Sec. 128. The council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds, sewers and other public improvements and public property within the limits of said city, except as in this charter otherwise provided, and shall cause all streets which may have been opened and graded under the authority of said city or with its assent to be kept open and in repair and free from nuisances. The city corporation shall be exempt from all liability caused by railroads either to persons or property when said railroads' engines or cars are passing along, across, under, over or upon any street, lane, alley or other public way within the limits of the City of St. Paul.

Vacation of streets, etc.—Sec. 129. The council of said city shall have the sole and exclusive power to vacate or discontinue public grounds, streets, alleys and highways within said city, also all county, territorial and state roads, whether actually traveled or used at the date of the petition for vacation or not. No such vacation or discontinuance shall be granted or ordered by the council except upon the petition of the majority of the owners of the property on the line of such public grounds, streets, alleys or highways, resident within said city, save that a corporation whether domestic or foreign, may when interested join in and verify such petition by an officer thereof and be counted as a resident for the purposes of this section. Each petition provided for in this section shall bring forth the facts and reasons for such vacation accompanied by a plat of such public grounds, streets, alleys, or highways, county, territorial or state roads, proposed to be vacated and shall be verified by the oath of one of the petitioners.

The council shall thereupon, if it deem it expedient that the matter shall be proceeded with, order the petition to be filed of record with the city clerk who shall give notice by publication in the official paper of the city for four weeks for at least once a week to the effect that such petition has been filed as aforesaid and stating in brief its object and that said petition will be heard and considered by the said body on a certain day and place therein specified not less than ten days from the expiration of said publication. Said body, at the time and place appointed, shall investigate and consider the mateer and shall hear the testimony and evidence on the part of the parties interested. Said body thereupon, after hearing the same may by resolution passed by four-sevenths (4/7) affirmative vote of all the members elect declare such public grounds, streets, alleys or highways, county, territorial or state roads vacated. Before the same shall go into effect such resolution shall be published as in the case of ordinances and thereupon a transcript of such resolution and of said plat duly certified by the city clerk, shall, before the same is valid, be filed for record and duly recorded in the office of the Register of Deeds in the County of Ramsey. No vacation of any street, alley or public grounds in said city shall hereafter be allowed except upon such terms and conditions as to the compensation, if any, to be paid by the persons seeking such vacation, nor otherwise as shall be specified in the resolution order-

ing such vacation, nor shall said council order any vacation without adequate compensation to said city.

Provided in case the Plat Commission shall have approved the plat embracing the premises proposed to be vacated which plat dedicates to the public use in the opinion of said council land equivalent in area and value to the premises sought to be vacated, then said council may by a four-sevenths (4/7) affirmative vote of all the members-elect accept said plat and pass a resolution of vacation and after said plat and said resolution have been recorded in said Register's office, said vacation shall be valid without the payment of money into the said city treasury. Provided, further, however, that vacations and discontinuances of such county, territorial and state roads may be granted upon a petition of a majority of the owners of property through which the same or the portions there for sought to be vacated exist, when such owners have platted the same and shall have provided in lieu of such roads sufficient streets in the opinion of the Commissioner of Public Works and the council, of which fact the approval of said commissioner and the acceptance of said plat and the resolutions of vacation shall, when recorded be conclusive evidence.

Lease of levee.—Sec. 130. The council are hereby authorized by ordinance to lease to any person, company or corporation any part or portion of the levee known as the West Side Levee in the Sixth (6th) ward of the City of St. Paul, Minnesota, as the same is designated and shown on the maps on file in the office of the Commissioner of Public Works of the City of St. Paul, the said leases to be for such purposes and upon such terms and for such a length of time as the council shall prescribe— provided, however, that such leases not be for a longer term than five years.

Workhouse authorized.—Sec. 131. The council of the City of St. Paul is hereby authorized and empowered to establish, erect and maintain a workhouse for the confinement and punishment of prisoners sentenced thereto by the Municipal Court of the City of St. Paul, or the District Court of the Second Judicial District of Ramsey county (S. L. 1881, Chapter 190, Sec. 1).

Nuisances.—Sec. 132. The powers conferred upon the council to provide for the abatement and removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

Miscellaneous restrictions.—Sec. 133. The council shall have no power to:

1. **New or salaried offices.**—Create any new or salaried office not specified in this charter or in any manner to increase the salary or compensation of any officer whose salary is fixed in this charter, or to employ any assistant whereby said city might be liable for any services rendered or attempted to be rendered in performing the duties imposed by law upon any salaried officer of said city; but nothing in this charter shall prevent said city and its officers from employing such servants from day to day and from month to month as are authorized by this charter.

2. **Disputed demands on contracts.**—Authorize any compromise of any disputed demand arising out of contracts or any allowance therefor or therein except as provided in the contract therefor.

3. **Damages for injuries.**—Authorize the compromise or payment of any damages claimed for alleged injuries to persons or property except by ordinance adopted by a majority of the members-elect thereof.

4. **The council cannot relieve or exempt.**—Relieve any person or corporation from the payment of any lawful tax, assessment, fine or license, or from any burden imposed by law or order; nor shall it cause to be paid any demand not lawfully authorized and duly audited.

CHAPTER IX.

Initiative and Referendum.

Initiative.—Sec. 134. Any ordinance may be proposed by petition by the qualified electors of the City of St. Paul equal in numbers to ten per cent of the electors who voted for mayor at the last preceding city election.

Petition.—Sec. 135. Such petition shall completely set out in exact language the terms of such proposed ordinance. It shall be addressed to the council and shall be presented to and filed by the city clerk. In all other respects said petition shall conform so far as practicable, to the requirements for recall petitions as set forth in the sections of this charter relating to the recall.

If council fails to pass.—Sec. 136. Should the council fail to pass without change within sixty days of its presentation by petition as aforesaid, any ordinance, said ordinance shall be submitted by the city clerk at the next election in the City of St. Paul whether general or special, city or state, to the qualified electors of said city for approval or rejection as hereinafter provided, provided that said election must take place not less than ninety days after said petition was originally presented to said council. If the petition submitting said ordinance to the council shall be signed by twenty-five per cent of the number of qualified voters who voted for mayor at the last preceding city election, and shall so request, then the council shall within 120 days of the filing of said petition, in case the council fails to pass said ordinance as aforesaid, call a special election at which said ordinance shall be submitted to the voters of the city of St. Paul for approval or rejection. But no special election shall be called when any general or special city or state election occurs within one year subsequent to the filing of said petition.

Referendum.—Sec. 137. No ordinance passed by the council shall go into effect until the expiration of thirty days after it has been passed, approved and published, unless it shall be necessary for the preservation of the public peace, health or safety, and the council shall by a three-fourths vote of all the members elected declare that it shall go into effect immediately upon its publication. The necessity for such action shall be stated in the title and in a section of such ordinance. If within thirty days after the passing, approval and publication of any ordinance, a number of the qualified electors of the City of St. Paul equal to eight per cent of all the electors who voted at the last city election for mayor, shall file a petition with the city clerk addressed to the city council asking that said ordinance shall be submitted to the voters of said city for approval or rejection, it shall be so submitted as hereinafter provided, and shall not go into effect (except in cases of emergency as herein provided) until approved by a majority of all the electors voting thereon at a general or special city election within the City of St. Paul. Should a majority of said electors vote against the approval of said ordinance it shall not go into effect, but shall be void and of no effect. If by action of the council as aforesaid any ordinance shall be declared necessary for the preservation of the public peace, health or safety, and it shall be provided that is shall go into effect immediately upon publication thereof, and if within ninety days of its publication and taking effect a petition shall be filed as aforesaid asking that such ordinance be submitted to the voters of the City of St. Paul for approval or rejection, said ordinance shall be so submitted and if a majority of said electors voting thereon vote to reject such ordinance, said vote shall effect a repeal of said ordinance from and after the announcement of said result. In like manner any ordinance not an emergency ordinance may be repealed on referendum vote asked for by petition filed as aforesaid within ninety days after the publication of said ordinance.

Referendum petition.—Sec. 138. Any petition demanding a reference of any ordinance shall refer to such ordinance by the number thereof, its title,

the date of its approval, and the date of its publication, and shall also briefly state the subject-matter of said ordinance, and it may give the reasons for demanding such reference. It shall be addressed to the council and shall conform so far as practicable to the requirements specified for recall petitions in the sections of this charter providing for recall.

Shall be published.—Sec. 139. The council shall provide for the publication in full at least once in at least three daily papers published within the City of St. Paul of the full text of any ordinance submitted under this chapter to the voters of the city for approval or rejection. Such publication shall take place not less than ten days or more than fifteen days before the date of said election. When any such ordinance is to be so submitted at any special or general election, the voters of said election shall so state and shall designate said ordinances by number and title, and shall set forth syllabi of said ordinances prepared by the corporation counsel of St. Paul.

Budget ordinance.—Sec. 140. The budget ordinance of the ordinance providing annually for the support of the government of the City of St. Paul shall go into effect immediately upon publication. Said ordinance shall not be submitted to the voters of St. Paul for approval or rejection on petition or othrewise, provided that any item in said budget making appropriation for new outlay shall be subject to referendum in the same manner as though it were not part of said budget ordinance.

Voluntary reference.—Sec. 141. The council may by a majority vote submit to the voters of St. Paul any ordinance without petition in the same manner as sai dordinance might have been submitted on petition.

Repeal of ordinance approved by voters.—Sec. 141. No ordinance adopted by the voters of St. Paul on their initiative or approved by said voters on referendum shall be repealed by the council within one year after its approval nor shall it be repealed at all except upon the unanimous vote of all the members elected to the council and with the approval of the mayor expressed in writing or by a majority vote of all the electors voting thereon at a referendum election at which the repeal of said ordinance is submitted under the provisions of this chapter.

Ballots.—Sec. 142. The ballots used in voting upon any measure as provided for in this chapter shall set forth in full th etitle thereof and state briefly the general nature thereof, and thereafter in larger type contain the words, "For the ordinance," (or resolution as the case may be) and "Against the ordinance," (or resolution as the case may be) and shall contain a square opposite each of the aforesaid phrases in quotations so that the elector by a mark in the square may indicate whether he is for or gainst the ordinance.

Number submitted.—Sec. 143. Any number of ordinances may be submitted at the same election.

Vote necessary.—Sec. 144. Any ordinance receiving an affirmative vote in its favor of a majority of all the electors voting thereon shall be declared passed, and shall be in force from and after such declaration. If it shall not receive such majority, it shall be void and of no effect from and after the announcement of said vote. Where two or more conflicting ordinances receive a majority those receiving the largest affirmative vote shall be in force and effect as to conflicting provisions.

Terms defined.—Sec. 145. For the purposes of this chapter the term "ordinance" shall embrace all legislative acts of the council, whether they be the passing of new measures or the amendment or repeal of measures theretofore in force.

Duties of the corporation counsel.—Sec. 146. On request of the city clerk the corporation counsel shall prepare forthwith or cause to be prepared summaries, or syllabi of all ordinances or resolutions where summaries ar required in carrying out the provisions of this chapter.

Enacting clause.—Sec. 147. The enacting clause of all ordinances initiated under the provisions of this chapter shall be: "The people of the City of St. Paul do ordain."

Items voted upon separably.—Sec. 148. Any item or section of items or sections of an ordinance or resolution which may be separated without destroying said resolution as a whole, may be made the subject of a referendum the same as an entire ordinance or resolution, and may on adverse vote be disapproved or repealed as may an entire ordinance or resolution.

CHAPTER X.

Franchises, and Modifications Thereof.

No exclusive franchise.—Sec. 149. No exclusive or irrevocable franchise, nor any franchise for a period of more than twenty years, shall ever be granted by the City of St. Paul.

Referendum thereon.—Sec. 150. No franchise shall be granted by the City of St. Paul except by ordinance of the council approved at a general or special election by an affirmative majority of the qualified electors of said city voting thereon. The council may by ordinance passed by an affirmative vote of four-sevenths of all the members elect grant a temporary license to use the streets and other public places of said city for public service purposes for a period not exceeding one year. Any license or franchise which may hereafter be granted by the City of St. Paul is hereby declared to be subject to all provisions of this charter and all amendments thereto which may be hereafter adopted, and to all laws and ordinances in force within the limits of the City of St. Paul. Nothing in this section shall be so construed as to relieve the holder of any franchise from any restriction which may be in force at the time of the adoption of this charter. When the total income of any such license or franchise holder named in this section, his lessee or assign, from business within the City of St. Paul for which such license or franchise was granted shall not exceed the sum of ten thousand dollars for any one calendar year, then said temporary lessee may by a five-sevenths affirmative vote of all the members-elect of the council be renewed indefinitely for one year from year to year in the discretion of the council, but where such total income exceeds in any one year the sum of ten thousand dollars, said council shall have power to give but two renewals, so that the entire term of such temporary licenses in such cases shall not exceed three years.

Time for renewal.—Sec. 151. No franchise granted by the City of St. Paul shall be renewed or enlarged until within one year before its expiration. Any amendment to a franchise amounting to an enlargement or extending of privileges held under any franchise now in force, or hereafter granted, shall be construed as the granting of a new franchise.

Franchise no part of capital.—Sec. 152. No person or corporation granted a franchise by the City of St. Paul shall base any capitalization or collect any profits upon the value of said franchise, it being the intent of this charter to restrict all franchise-holders of the City of St. Paul to a reasonable return upon the tangible property of said franchise-holder in use within the City of St. Paul. It is hereby declared that all franchises granted by the City of St. Paul are granted for the sole purpose of providing the people of St. Paul with needed public services, and that the value of said franchise and all benefits to be derived therefrom shall remain forever inalienably the property of said city in trust for said people. No charges or profits of any public service corporation doing business in the City of St. Paul shall be founded upon unearned increment of land. All franchises granted by the City of St. Paul shall define clearly and fully the specific rights granted, and the specific streets, alleys and other places in which said franchises shall be exercised, and no grant made in general terms shall be valid, and no privilege shall be granted by implication.

Publication—Franchise ordinances.—Sec. 153. All proposed ordinances for the granting of franchises shall be published in full at least once in the official publication of the city a week before its first reading in the council. No proposed ordinance granting a franchise shall be placed upon its final passage within thirty days after it has been put into the form in which it shall be passed and adopted.

Fixing charges.—Gross earnings statement.—Sec. 154. In the granting of any and all franchises the City of St. Paul hereby reserves the right either through the council, or otherwise as provided by law, to regulate the rates to be collected for the service to be rendered under said franchise. If it be found by the council impracticable or undesirable to prescribe such rates as will prevent franchise-holders from securing any benefit from the value of said franchise, then said city through its council or otherwise may impose such tax upon gross earnings as may secure for said city the full benefit of the value of said franchise. The City of St. Paul is hereby granted the right to fix rates for all public services within the city.

All franchise-holders exercising any franchise in the City of St. Paul shall file annually on or before the first Monday of February, in the office of the City Comptroller, a statement subscribed and sworn to by at least two officers of such corporation, or by the individual in control, in case such franchise is exercised by an individual or co-partnership, setting forth in detail for the preceding calendar year the then actual cost of the plant or business operated by said corporation or persons, the actual incumbrances, debts and obligations thereon, if any, the names and residences of the stockholders, and the amount of stock held by each, and the consideration paid therefor to the corporation; the names and residences of the individuals or co-partnerships, in case such franchise is exercised by individual or a co-partnership; an itemized statement of the assets and liabilities of any such corporation; the gross earnings, the expenses and nature thereof, and the net income for such calendar year of any such corporation, and in case of an individual or co-partnership, of the business done under such franchise. Such statement shall conform to such forms as may be prepared from time to time by the city comptroller. Every such statement shall be preserved by the comptroller in suitable manner for public inspection, and shall be open to public inspection during the business hours of the comptroller's office. Every such corporation, individual or co-partnership shall also file in the office of the comptroller from time to time such further and additional reports and statements as may be required by the council relative to the rates charged and received for public service, relative to the character and frequency of such service, and relative to the number of persons using such service. The books, records, bills and vouchers of every such corporation, individual or co-partnership shall be open to inspection and examination in the City of St. Paul by such officer of said city, person or persons as the council may direct. Every corporation, individual or co-partnership who fails to comply with the provisions of this section shall be liable to the City of St. Paul in the sum of one hundred ($100) dollars for each day of such failure, to be recovered in a civil action in any court of competent jurisdiction, and in case of default for sixty days any such franchise shall without further proceedings become forfeited, and all rights granted by the ordinance granting the same shall cease and terminate.

Gross earnings.—Sec. 155. Every corporation or person exercising any franchise or privilege, in, over, under, or upon any of the streets or public places or elsewhere in the City of St. Paul, shall pay into the treasury of said city annually on or before the first Monday in March, a license fee in a sum equal to at least five per cent of the gross earnings derived or accruing from the exercise or enjoyment within said city of any franchise or privilege during the previous calendar year. This section shall apply to all franchises granted prior to the adoption of this charter and to all other franchises unless the ordinances granting said franchises shall exempt the grantees and others holding through or under them from said tax.

Grantee's agreement.—Sec. 156. No extension, modification nor change of any franchise or privilege heretofore granted, or of any condition or

limitation affecting such franchise or privilege, shall be valid or effectual unless the person or corporation holding such franchise or privilege shall, in writing, agree that such franchise or privilege together with any such extension, modification or change, shall be held and used subject to all the conditions and limitations in this charter prescribed, including the payment of a license fee of at least five per cent of the gross earnings, unless said franchise-holder is specifically relieved of said payment as hereinabove provided.

Grantee's acceptance of charter provisions.—Sec. 157. No franchise or privilege shall be granted to any person or corporation now holding or hereafter acquiring any franchise or privilege heretofore or hereafter granted by said city, unless such person or corporation shall in writing agree that said franchise or privilege so held or acquired, as well as said new franchise or privilege, shall both be held and exercised subject to all the conditions and limitations in this charter prescribed, including the payment of said license fee of at least five per cent of the gross earnings, unless excused as above provided.

Forfeitures.—Sec. 158. Every ordinance granting any franchise or privilege as aforesaid, shall provide for the termination and forfeiture of said franchise or privilege aforesaid for any breach or failure to comply with any of the terms, limitations or conditions thereof; and in all such cases the council shall have power to declare the termination and forfeiture of any such franchise or privilege aforesaid for any breach or failure to comply with any of expressly reserved.

Limitations.—Sec. 159. No person or corporation shall occupy or have any special rights or privileges, in, over, upon or under any street, highway, alley, public ground, levee, or other property of said city unless said right is duly granted in the manner hereinabove provided.

Elevated roads.—Sec. 160. No franchise shall be granted to construct or operate any steam, or elevated railway of any description, or on any street, public grounds or levees of said city except upon petition of the owners of more than one-half the property fronting on the line of such proposed road.

Street maintenance duties.—Sec. 161. Every grant of any right, privilege or franchise, in, over, under or upon any of the streets, alleys or public grounds of said city for street railway purposes, shall be subject to the conditions that the person or corporation exercising or enjoying the same shall sprinkle, clean keep in repair and free from snow, and pave and repave so much of the streets or other public places herein mentioned which may be occupied by such street railways, as lies between the rails of each railway track, and between the lines of double track, and for a space of two feet outside of such track.

Additional restrictions.—Sec. 162. Said City of St. Paul shall have the power through the council or other proper manner, to impose other terms, conditions and restrictions additional to those prescribed by this charter, upon the grant of any such right, privilege or franchise aforesaid, including suitable provisions that the whole or any part of the property used in the exercise or enjoyment of any right, privilege or franchise, shall, upon the expiration thereof, become the property of said city with or without further compensation.

Abandonment of franchises.—Sec. 163. All rights, privileges, and franchises heretofore granted by any lawful authority in, over, under or upon any of the streets, highways, alleys, public grounds or other property of said city, which have never been exercised, or which have been abandoned or have been disused for more than three years before the time when this charter becomes effective, are hereby declared to be forfeited and invalid. Nothing in this paragraph shall be construed as restoring any rights forfeited under any former law, ordinance or charter.

Cost of bridges.—Sec. 164. All franchises for street or interurban railways hereafter granted shall provide that any such railroad shall pay to the

city a sum not less than five per cent per annum so long as such franchise shall exist or be used on one-third of the cost of any city bridge over which such franchise shall extend. In the event any application is made for a franchise over a bridge not yet built or completed, the council shall cause an estimate to be made of the true cost of such bridge, and such estimate, corrected by actual figures of cost when the same is available, shall be the basis or computation for fixing the amount to be paid for the franchise over said bridge.

Carrying of firemen, etc.—Sec. 165. Every street railway franchise shall contain a provision that policemen, firemen, city health officers, and United States mail carriers, when in uniform and in the discharge of their duties as such, shall be carried free and with all the rights of passengers.

Poles—Erection of.—Sec. 166. All franchises granted to any person or corporation for the erection of poles or masts on or along the streets of other public places of the city for the conduct of electricity or for telegraph or telephone purposes, shall contain a condition and stipulation that the upper arm of all such poles or masts, now erected or to be erected under any existing franchise in the city, shall be reserved for the exclusive use of the city; and that any franchise granting the right to construct conduits in or under such places for said purposes, or any other purpose, shall contain a provision that a reasonable portion, to be definitely stated in the ordinance granting the franchise, shall be reserved for the exclusive use of the city.

Regulations of service.—Sec. 167. The grant of every franchise shall be made especially subject to the condition that the council shall have the right with respect to any such franchise so granted:

(1) To require the elevation or depression of the tracks of a railway or street railway, or the placing underground of wires, whenever such action is deemed by said council necessary in the interest of public safety or convenience.

(2) To require reasonable extensions of any public service system.

(3) To make such rules and regulations as may be required to secure adequate and proper service, and to provide sufficient accommodations for the public.

Council powers—Present franchises.—Sec. 168. The powers hereinabove enumerated as express provisions of future franchises, are hereby granted the council with respect to public service and franchises now existing or heretofore granted.

Limits of franchises grant.—Sec. 169. The granting of a franchise shall not be deemed to confer any right to include in the charge for any service any return upon the value of the franchise or grant.

Condemnation provisions.—Sec. 170. All franchises granted by the City of St. Paul shall be granted subject to the condition that the grantee shall have no right to receive upon a condemnation proceeding brought by the city to acquire for the city the public utility using such franchise, any return on account of the franchise or its value, or any return for good-will, or for any other things whatsoever except the tangible property used in connection with the service for which the franchise was granted. Franchise values shall not be capitalized by any franchise grantee or any successor of such grantee, and the measure of value of the real estate used for said service shall be its value when first used in said service.

Loans on franchises.—Sec. 171. No loan made to a grantee of a franchise received from the City of St. Paul, or to the successor of such grantee, shall be a lien upon said franchise. If any loan be a lien upon the property used in the public service given in connection with said franchise, then it shall not be made for a term of years in excess of the term of the franchise, and said entire loan shall fall due before the expiration of the term of said franchise. Said grantee and the successors of said grantee shall provide that said loan shall be paid and wholly liquidated during the term of said franchise, so that at the expiration of said term, all of the property used in con-

nection with said franchise shall be entirely free from all liens and obligations whatsoever.

Sale of franchise.—Sec. 172. No sale or lease for any franchise granted by the City of St. Paul shall be effective until approved by the council by five-sevenths affirmative vote of all the members elect. The assignee, or lessee shall prior to such approval file in the office of the city clerk an instrument duly executed, reciting the fact of the sale or lease, accepting the terms of the franchise affected, and agreeing to perform all the conditions required of the grantee thereunder. The assignee or lessee shall also file a bond with council, which shall run to the city and which shall be conditioned to discharge such conditions as the council may require with securities satisfactory to the the obligations and liabilities upon the grantee by the franchise. Thereafter the council shall consider and may approve or forbid such sale as the interests of the city of St. Paul may demand.

Relative rights of franchise.—Sec. 173. Every franchise shall provide that the franchise and all things constructed thereunder or used in connection therewith, other than rolling stock and power, shall be subject to common use by any other grantee or assignee of any other franchise, whenever there shall be necessity therefor upon payment or tender of compensation for such use. The question of necessity, compensation and all other questions relating thereto shall be judicial questions, but no judicial proceeding shall suspend or postpone such use if the person or corporation desiring such use shall deposit in the court such sum as the court in a preliminary hearing may determine.

Objections to regulations.—Sec. 174. Any holder of a franchise granted by the City of St. Paul who shall question any order, ordinance, or provision prescribing conditions or regulations in connection with the enjoyment of such franchise, must raise such question or issue in a proceeding in court within sixty days of the time such order, ordinance, provision or regulation goes into effect.

Powers of council not specified.—Sec. 175. The enumeration and specification of particular conditions or restrictions upon the granting of franchises by the City of St. Paul, and their enjoyment, shall not be construed to impair the right of the city to impose upon the holders of such franchise such other and further conditions as the council may deem proper to protect the interests of the city.

CHAPTER XI.

Legal Department and Legal Procedure.

Corporation counsel—Election—Term.—Sec. 176. The corporation counsel shall be elected by the council on the second Tuesday in July of each and every even numbered year, beginning with the year 1914. His term of office shall begin on the second Tuesday in August following his election, and it shall be for two years and until his successor shall be elected and qualified. The term of the corporation attorney in office when this charter takes effect shall terminate on the second Tuesday in August, 1914, or as soon thereafter as his successor, the corporation counsel, shall be elected and qualified. Concident with the qualifying of said corporation counsel said office of corporation attorney shall be abolished.

Assistants and clerks.—Sec. 177. The corporation counsel may appoint such assistants as the council, by an administrative ordinance shall provide and at such compensation as it shall fix, and for acts of such assistants he shall be responsible, and each of them shall hold office during the pleasure of corporation counsel and shall perform such duties as the corporation counsel shall designate. It shall be the duty of the corporation counsel and

his assistants to give their whole time and attention to the discharge of their official duties.

Duties of corporation counsel—Special counsel.—Sec. 178. The corporation counsel shall attend to all the legal business of the city. He shall be the adviser of the mayor, the council, and all city officers, and when requested by any thereof shall furnish opinions upon such legal questions of the business of the city as may be submitted to him. He shall also render and perform such other legal duties as may be prescribed by the council. All officers of said city are prohibited from retaining, feeing or employing any other attorney; provided, that in any case in which, by reason of interest, the corporation counsel cannot act, or in any case of special or unusual circumstances, necessitating the employment of special counsel, and upon the written request of the corporation counsel, the council, by a five-sevenths vote of all the members thereof, may, by resolution, authorize the employment of an attorney to act as special counsel for the city in such cases. Said resolution shall fix the maximum compensation to be paid for such service, and the person so employed shall not under any circumstances, be entitled to receive, and shall not be paid as compensation for his services, any sum in excess of the amount so fixed.

Actions on behalf of city.—Sec. 179. All actions brought to recover any penalty, or forfeiture under this charter, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Fines, imprisonment, etc.—Sec. 180. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by the judge of the Municipal Court, pursuant to any ordinance or by-laws of the said City of St. Paul, or pursuant to any provision of the charter of said city as a punishment for any offense, or for the violation of any by-laws or ordinances as aforesaid, the offender shall be forthwith committed to the "workhouse of said city" and be there imprisoned for a term not exceeding three (3) months, in the discretion of the Judge of the Municipal Court, unless the fine or penalty aforesaid be sooner paid or satisfied, and in all cases where the punishment of such offender shall be by imprisonment, such imprisonment shall be in the said "workhouse," and from and after the time of arrest of any person or persons for any offense whatsoever until the time of the trial or hearing, the person or persons so arrested may be imprisoned in the common jail of Ramsey county, or in the city prison, and in all cases where the said judge of the Municipal Court is or may be authorized to commit any person or persons for any cause by virtue of the provisions of the charter of said city, he may commit such person or persons to the said "workhouse."

Appeals by City.—Sec. 181. The city may prosecute an appeal in all cases to the District Court, or to the Supreme Court of the state. The mayor, in case of such appeals, or in any action or proceeding to which the city is a party, and in which a bond may be necessary, shall execute a bond, signed by him and the city clerk, who shall affix the corporate seal thereto, conditioned as may be necessary in such action, proceeding or appeal, but no sureties or justification shall be required for said bond. Nor shall the city be required in any case to file a bond or give other security for costs.

Not incompetent.—Sec. 182. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Process in suits against city.—Sec. 183. Whenever any suit, action or proceeding shall be brought against the City of St. Paul, the summons or process shall be served on the mayor, and it shall be the duty of the mayor to forthwith inform the corporation counsel thereof, who shall take such other proceedings as may be needful to defend the interests of the city, provided that the court in which any complaint may be filed, or any judge thereof, may in his discretion direct such other or further notice of the tendency of such action, to be given by publication or otherwise, as to the court or any judge thereof may seem meet and proper.

Notice of damage claims.—Sec. 184. Before the City of St. Paul shall be liable to any person for damages for, or on account of any injury or loss alleged to have been received or suffered by reason of any defect in any bridge, street, road, sidewalk, park, public ground, ferry boat, or public works of any kind in said city, or by reason of any alleged negligence of any officer, agent, servant or employe of said city, the person so alleged to be injured, or some one in his behalf, shall give to the council of said city, within thirty days after the alleged injury, notice thereof; and shall present his or their claims to compensation to the council in writing, stating the time when, the place where and the circumstances under which such alleged loss or injury occurred, and the amount of compensation or the nature of the relief demanded from the city, and such body shall have ten days' time within which to decide upon the course it will pursue with relation to such claim; and no action shall be maintained until the expiration of such time on account of such claim nor unless the same shall be commenced within one year after the happening of such alleged injury or loss.

Records, printed compilations, etc., as evidence.—Sec. 185. Section twenty-two (22) of sub-chapter twelve (12) of Chapter one (1) of the Special Laws of the State of Minnesota for the year 1874, in the following words shall remain in full force, to-wit:

"The files, papers and records in the office of the City Clerk, City Engineer, Commissioner of Public Works, or any other officer of said city, or copies thereof duly certified by the officer having the same in charge, proofs of publication of all notices, resolutions, orders or proceedings of the common council or commissioner of public works, required to be published under this act, on file in the proper office, or copies thereof certified by the officer having the same in charge, shall be received and read in evidence in all courts and places without further proof. All printed compilations of the laws and ordinances of the city, and all printed publications of the proceedings of the common council or of the commissioner of public works or any of the officers of said city, if published or purporting to be published, compiled or revised by or under the authority of the said city, or any of its officers, shall be admissible in all courts of law and on all other occasions in this state as evidence of such laws, ordinances and proceedings."

Record of deeds where city is a party.—Sec. 186. Section 6 of Chapter 92 of the Special Laws of the State of Minnesota for the year 1881, in the following words, shall remain in full force, to-wit: "That it is hereby made the duty of the register of deeds of Ramsey county to record any deed or any other instrument in which the grantor or grantee is the City of St. Paul, without requiring the same to be certified, 'taxes paid and transfer entered or paid by sale of land described within,' any general laws of the state to the contrary notwithstanding."

CHAPTER XII.

Commissioner of Finance.

Custody of public moneys and securities.—Sec. 187. The commissioner of finance shall be custodian of all moneys, and also of all promissory notes, checks and other commercial instruments for the payment of moneys belonging to the city, or to the government thereof or any department bureau or activity, and all other commercial instruments for the payment of moneys belonging to the city or to said departments, bureaus or activities; and he shall retain the same until they shall have been disposed of by law. No moneys or securities in this section mentioned shall ever be loaned in any manner, save as the deposit of said money in banks, or the temporary investment of the same in the modes provided in this charter, may have the legal effect of a loan thereof. Said commissioner shall have the custody and control of the city treasury and shall be responsible for its administration.

May appoint deputy.—Sec. 188. Said commissioner of finance shall appoint a deputy commissioner of finance at a salary of not to exceed $2,000 a year, and may place in his hands any responsibility or function in connection with the discharge of official duties which may be placed by law upon said commissioner, but he shall be responsible to the City of St. Paul for all official acts whatever of said deputy or any other acts which may affect the interests of said city.

City depositories—Regulations—Bonds.—Sec. 188[a]. The commissioner of finance shall deposit daily to the credit of the city, subject to payment on demand, all moneys or funds belonging to said city or any department, bureau or activity thereof, then in his hands, in such incorporated banks in the City of St. Paul, national and state, as shall be determined upon and designated by the sinking fund committee, which is hereby charged with the duty of designating such banks, with regard to their financial strength and safety; and no bank shall be designated which has been reorganized on the basis of an extension of time for the payments of its deposits or any other of its obligations until after such deposits or other obligations have been paid in full. Said committee shall fix the maximum amount to be so deposited in any one bank which shall not exceed one-third of the amount of its full paid and unimpaired capital stock and surplus. Provided, however, that if the funds or moneys on hand belonging to the city at any time shall exceed the total amount which pursuant to the foregoing limitations can be deposited in all the banks designated by the committee, the commissioner of finance shall under the direction of said committee deposit such excess in such bank or banks as may then have given bonds with personal sureties, up to the full amount of such bonds in each case. The said committee may direct the commissioner of finance from time to time in what bank or banks to make deposit and to what amount, or amounts within the limits aforesaid, and from what bank to withdraw moneys required to meet the obligations of the city. All checks for such withdrawal shall be signed by the commissioner of finance.

Before any moneys are deposited in any bank by the commissioner of finance said banks shall execute to the City of St. Paul proper bonds fully securing the City of St. Paul in double the amount of the deposit authorized by the sinking fund committee. The council shall, by ordinance, provide in detail as to the form, amount and the sufficiency of sureties upon said bonds; provided, that the security shall be at all times ample and provided that the bonds are conditioned for the re-payment to the city by any and all depositories on demand of any and all moneys deposited in said depositories by the commissioner of finance or any other officer of the city as such. Said bonds shall be always subject to the approval of the sinking fund committee and of the council. No stockholder in a bank shall be accepted as surety upon the depository bonds of said banks unless investigation has shown that his financial responsibility could not be seriously affected by the failure of said bank. All said bonds shall run for one year; and shall be renewed whenever required by the sinking fund committee; said committee may demand new or additional bonds whenever it may see fit.

Sec. 189. On default by any such bond in the condition of any bond required in the preceding section, it shall be the duty of the comptroller and of the commissioner of finance, forthwith to notify the corporation council and mayor, and said corporation council shall at once take steps to enforce liability upon said bond and save the City of St. Paul harmless from loss or expense. No bond given by any city depository under the provisions of the preceding section shall lapse no matter what the limitation may be contained therein, until it is superseded by a good and sufficient bond to take its place.

May deposit securities.—Sec. 190. In lieu of the bonds from city depositories provided for in this chapter, said depositories are hereby authorized to deposit in the office of the comptroller, with such assignments or powers of attorney as may make them available at any time said sinking fund committee may wish to realize upon them for the protection of the city, as security for city funds to be deposited bonds or tax levy certificates of the City of St. Paul, of face value ten per cent in excess of the maximum amount

of city funds to be placed in said depositories. Until said bonds are converted to the use and for the benefit of the city to meet the failure to turn over on demand any deposit of city funds which they may have been pledged to secure, they shall continue to bear interest for the bank pledging them, just as though they had remained in the custody of said bank. The corporation council shall prepare and the council shall pass an ordinance giving full effect to the provisions of this section.

Withdrawals of deposits.—Sec. 191. Said committee shall, whenever in its judgment, the greater security of the city's money requires it, direct the commissioner of finance to withdraw money from any city depository bank and deposit it in another bank, subject to the limitations aforesaid, and the commissioner of finance shall comply at once with all directions and instructions of the committee given in pursuance hereof. Whenever the commissioner of finance shall make a deposit in any one of such banks the latter shall forthwith transmit to the comptroller a duplicate deposit slip thereof signed by an officer of the bank and one of its tellers; and the commissioner of finance shall forthwith deliver to the comptroller an itemized statement of the sources from which the moneys so deposited were received; and it shall be the duty of th ecomptroller so to keep the accounts of his office as to show the amount belonging to each fund on deposit, and the bank or banks holding the money of the city or any department, bureau or activity thereof.

Interest on daily balances.—Sec. 192. The sinking fund committee shall make such agreement with banks receiving city deposits as to collect for the benefit of the city the maximum amount of interest on daily balances consistent with the safe keeping of city funds. The commissioner of finance shall not be responsible to the city for losses sustained while following strictly and in good faith the directions of the sinking fund committee and the procedure laid down in this chapter.

Interest on deposits.—Sec. 193. All interest or other form of gain or advantage accruing from the deposit in banks of public moneys, shall accrue to the city for the benefit of the general fund; and the acceptance or receipt by any officer of the city, or by any employe of the city or any of its departments or bureaus, of any interest or advantage from any such deposit shall be malfeasance in office by such recipient.

Records by commissioner of finance.—Sec. 194. Said commissioner of finance shall keep a full and complete record of all securities, of all kinds coming into his hands, showing the disposition, of any, thereof. Whenever any instrument of any kind shall be delivered to him, he shall issue duplicate receipt therefor, one to go to the comptroller and the other to be countersigned by said comptroller and delivered to the person surrendering the instrument, just as in the case of the paying of funds into the city treasury.

Appointment of subordinates.—Sec. 195. Said commissioner of finance shall appoint in accordance with the provisions of this charter such assistants, officers and employes as may be necessary for the performing of the duties imposed upon him by this charter, by any valid law and by any valid ordinance of the council. On his recommendation the council shall determine the duties, title, compensation and number of said officers, assistants and employes. They shall be under the direction and control of said commissioner of finance and he shall have the power of removal and promotion under the restrictions imposed by the chapter in this charter relating to the civil service.

Powers; additional duties.—Sec. 196. Said commissioner of finance shall perform such other duties and exercise such other powers, not inconsistent with the provisions of this charter, as the council may by ordinance direct, or this charter may provide for. Wherever in any law of the state, or in any ordinance of the City of St. Paul, or in any provision of this or any other charter of the City of St. Paul, the city treasurer of the City of St. Paul has any duty imposed upon him which may continue under this charter, or is vested with any power, that duty shall be performed or that power exercised by the commissioner of finance, provided for in this charter. Said office of

city treasurer of St. Paul is hereby abolished, to date from the time when the commissioner of finance first selected under this charter shall qualify and take over the duties of the office of said treasurer. Wherever in this charter the term "city treasury" or treasurer" is used in such a context sense as to imply, impose or create any official duty or responsibility in connection with any money, property, or other things belonging to the City of St. Paul, or in which said city is in any manner interested, said term or terms shall mean and signify "commissioner of finance," and he shall be charged personally and officially with the implied, created or imposed duty or responsibility.

Commissioner of finance shall receive moneys.—Sec. 197. Except as otherwise provided for in this charter or by the state laws, all moneys payable to the city or to any department, bureau, or activity of its government, shall be payable only to the commissioner of finance; and all moneys payable by the city or by said departments, bureaus or activities, shall be payable only by him.

Tax settlements—Payments to the city by the county treasurer.—Sec. 198. Section twelve (12) of chapter ninety-three (93) Special Laws of the State of Minnesota, for the year one thousand eight hundred and eighty-one (1881), as amended by Section seventeen (17), Chapter seven (7), Special laws of the State of Minnesota for the year one thousand eight hundred and eighty-five (1885) is in the words following, to-wit:

"Section 12. That it is hereby made the duty of the treasurer of the County of Ramsey, in the collection of taxes to keep a set of books so as to show at all times the exact amount of money received for the City of St. Paul, and for the board of education of the City of St. Paul, and that all taxes received by said county treasurer for the City of St. Paul, and for the board of education of the City of St. Paul, shall be distributed as collected on the books of said county treasurer to the credit of said City of St. Paul, and the board of education of the City of St. Paul, and fifty (50) per cent of the penalties received by the county treasurer for delinquent taxes shall belong to and shall be paid to the treasurer of the City of St. Paul, for the use of said city, by said county treasurer, and the said county treasurer shall on the first of each and every month, or as soon thereafter as the same may be demanded, pay over to the city treasurer of the City of St. Paul all moneys and penalties collected the previous month for said city, as well as all moneys collected for the board of education of said city, as shown by the county treasurer's book or books."

"And it is hereby made the duty of the county auditor on the first week day of each and every month, or as soon thereafter as the same may be demanded, to draw his warrant upon the county treasurer in favor of the city treasurer for all moneys in the county treasury belonging to the City of St. Paul, and the board of education of the City of St. Paul, as near as the same can be ascertained from the books of the county treasurer."

Sec. 199. Said section twelve (12) as set forth herein above shall remain in full force and effect, provided that the words "city treasurer," or "treasurer of the City of St. Paul," or "city treasurer of the City of St. Paul," wherever these or any of them shall appear, shall mean commissioner of finance of the City of St. Paul, and the funds directed to be paid for the benefit of the board of education of the City of St. Paul shall be paid to said city for the use of its free public schools. And provided further that all penalties and interest collected on assessments for local improvements by the county treasurer shall belong to the city and be paid over to the commissioner of finance.

CHAPTER XIII.

Budget—Public expenditures.—Sec. 200. It shall be the duty of the comptroller not later than August 15 of each year to transmit to the city council detailed estimates in writing of the expenses of the city for the next succeeding fiscal year, and of the revenue necessary to meet said expenses. Said comptroller shall have full power and authority to require from each head of an administrative department of the City of St. Paul or other person in control of expenditures, specific estimates, in such form as said comptroller may prescribe, of the expenses of his department for the next succeeding fiscal year, the expenditures of the department for the six months immediately preceding June 30 next preceding, and for the last preceding fiscal year. Said estimates shall be placed in the hands of the comptroller prior to August 1 of each year. Said estimates shall be so itemized as to show clearly the amounts to be raised for each purpose necessary to carry on the business of the city. At the same time as presenting said estimates of expenditures, the comptroller shall also submit estimates of probable revenue from taxation, probable rate of direct property taxes necessary, and probable amount of revenue to be received by the city from sources other than direct taxation for the next succeeding fiscal year.

In said report of budget estimates the comptroller shall divide said estimates into the following funds:

1. "The city officers' salary fund" from which shall be paid the salaries of all officers of the City of St. Paul elected by the electors of St. Paul.
2. "Fund for salaries and expenses of the mayor's office."
3. "Fund for salaries and expenditures of the corporation counsel's office."
4. "Fund for salaries and expenditures of the city clerk's office."
5. "Contingent fund," which shall be limited to $10,000 in any fiscal year.
6. "Finance commissioner's fund," from which shall be paid all salaries and expenditures of that department.
7. "Police fund" to meet all police expenditures.
8. "Fire fund" to meet all fire bureau expenditures.
9. "Health fund" to meet all health bureau expenditures.

The commissioner of public safety shall apportion to these three funds in submitting estimates to the comptroller, such expenses of his office as are not properly chargeable exclusively to either the police fund, the fire fund or the health fund.

10. "Commissioner of public works fund" from which shall be paid all the salaries and expenditures of all except persons working by the day or hour, who are employed under the control of said commissioner; also all expenditures in connection with his office.
11. "A street construction and repair fund" to meet all expenditures for street construction and repair charged to city revenues under this charter.
12. "A sewer construction and repair fund" to meet all expenditures for sewer construction and repair charged to city revenues under this charter.
13. "A street and sewer cleaning fund" to meet all expenditures for street and sewer cleaning.
14. "A bridge building and repair fund" to meet all expenditure for the construction and repair of bridges charged to city revenues under this charter.
15. "A public school fund" to meet all school expenditures.
16. "A public library fund" to meet all public library expenditures, and all expenditures for art galleries and museums.
17. "An Auditorium fund" to meet all expenditures in connection with the Auditorium.
18. "A public parks fund" to meet all expenditures for public parks and squares charged to city revenue under this charter.
19. "A public playground fund" to meet all expenditures for public playgrounds other than school playgrounds charged to city revenue under this charter.

20. "A public building fund" to meet all expenditures in connection with the office of inspector of buildings.

21. "Commissioner of public utilities fund" to meet all expenditures in connection with the city business under the direction or the control of said commissioner, unless provided for by more specific funds.

22. "Public lighting fund" to meet all expenditures for public lighting not chargeable to a more specific fund.

23. "Water department fund" to meet all expenditures of said water department charged to city revenue or the revenue of said department.

24. "Board of control fund" to meet the city's portion of board of control expenditures.

25. "A city hall and court house fund" to meet the city's share of city hall and court house maintenance.

26. "An interest fund" to meet all current interest payments due by said city within the fiscal year.

27. "A sinking fund" to provide additions to the sinking fund for the payment of bonds at maturity. The city is hereby authorized to place such sums in this fund from year to year as will be sufficient to pay off all bonds at maturity.

28. "A redemption of bonds fund" to provide for paying the principal of any certificates of indebtedness, whether against current, general or special assessments to mature within the year and which are not otherwise provided for, and also for paying the principal of any bonds to mature within the year which cannot be paid out of the sinking fund and which are not to be refunded or otherwise renewed.

29. "A judgment and compromise fund" to provide a fund for the payment of any docketed and unpaid final judgments against the city, and all disputed claims which are compromised and settled before judgment.

30. "A comptroller's fund" to meet all expenditures in connection with the comptroller's office.

31. "A general fund" which shall provide for all necessary expenditures in connection with the government of the City of St. Paul or any of its departments, bureaus or activities, charged to city revenue, and not provided for in the funds hereinabove named. Said fund shall be subdivided in said report and estimates of said comptroller and specific amounts therein shall be provided for specific purposes, so far as practicable. Said fund may contain an item of $15,000 to be used at the discretion of the council to meet emergencies due to disaster or castrophe of extraordinary charter within the City of St. Paul or in any other community. It may provide for paying the expenses of delegates to represent St. Paul at important conventions and gatherings outside the city, but the appropriation for said purpose shall not exceed $3,000 in any fiscal year.

Limitations.—Sec. 201. The total cost of the government of the City of St. Paul in any one calendar or fiscal year, with the exception of the amount necessary to meet maturing bonds or levy certificates or similar obligations as they come due, shall not exceed $24 per capita for each inhabitant of said city, provided that the cost of operating public utilities where this cost is met by revenues collected from patrons for the service, or from other like revenues, shall not be considered part of the cost of said government. And the council shall have no authority to make appropriations in excess of the limitation named herein.

To determine the population upon which this per capita limitation shall be based, the comptroller and the city council shall take the United States census figures of population for St. Paul last announced previous to the completion of any annual budget, and shall add thereto for each year that has elapsed since said United States census a number equal to one-tenth of the increase in the population of the City of St. Paul during the period between said census and the last previous United States census. It is the intent of this section that this limitation shall cover all governmental outlay as well as maintenance of government whether the funds are supplied by taxation or by borrowing, except in the case of public utilities, as above excepted, and in the case of local improvements paid for by special assessments.

Publication of report and public hearing.—Sec. 202. Upon the receipt of the comptroller's report the council shall cause the same to be published once in the official paper of the city. Ten days after such publication said council shall hold public hearings from day to day for not less than twenty days at such times and in such manner as the council may prescribe, at which all residents of the City of St. Paul desiring to be heard may be heard in reference to any of said estimates or any item thereof. In this connection the council is given full authority to establish under the direction of the city clerk an exhibit of diagrams, models or other devices useful in explaining budget items to the public.

Shall fix expenditures.—Sec. 203. Upon the completion of said hearings, and not later than December 15 of each year, the council shall by ordinance to be adopted by a four-seventh vote of all members elected to said council, fix the amount of expenditures in dollars that may be made by several departments, bureaus or activities of the city government of the City of St. Paul during the next following fiscal year. In fixing said expenditures, said council shall specify as to the expenditure from each of the funds in this chapter provided, and shall make appropriations in fullest practicable detail designating the purpose of each expenditure as specifically as may be. In so fixing expenditures the council shall follow closely as to items the estimates of the city comptroller. In determining said expenditures said council shall not increase by more than ten per cent any fund beyond the estimates of said comptroller, and it shall not increase the aggregate of all appropriations more than three per cent above the estimates of said comptroller. Said council may reduce any item or the aggregate of all items as much as it may deem consistent with public interests. If the council shall fail to fix before December 31 of any year the amount of expenditures for the next succeeding year, then the amount of said expenditures for the succeeding year shall be the same as the expenditures for the year in which such failure shall occur.

May veto items.—Sec. 204. The mayor shall have power to veto any item or items in said ordinance without affecting the validity of any other item or items, and it shall require an affirmative vote of five councilmen to pass said item over said veto.

Limitation—Temporary loan.—Sec. 205. No department, bureau, activity, board or officer of said city shall have power or authority to expend any of the public moneys, or to incur any liability on behalf of the city in any fiscal year in excess of any fund or of any item of any fund as fixed by the council except as hereinafter provided. Violation of this section shall be deemed malfeasance in office on the part of the person or persons violating it, and shall make such person personally liable to the other contracting parties for the excess for which said person has attempted to bind said city. Provided that in the year 1914 when this amendment goes into effect, if there is any officer, bureau, department, or activity created by this amendment which is not provided for in the budget for that year, then the council may by temporary loan provide money for the expenditures of said officer, bureau, department or activity and said council shall provide for the payment of said loan in the budget for 1915. Said loan shall not bear interest in excess of six per cent per annum. No limitation herein contained as to the total expenditures or the cost of city government shall apply to the levy of taxes to pay such loan. Should any part (party) of the general fund herein be available for the temporary support of said officer, bureau, department or activity for the year 1914, the council may so apply it.

Emergency appropriations.—Sec. 206. In the event of destruction of or injury to public buildings or structures, by fire, flood, tornadoes or other elemental causes, or of the invasion or threatened invasion of the city by epidemic or contagious diseases, or of any other sudden and unexpected emergency wherein the funds appropriated for any of the purposes above and in this chapter provided for become inadequate properly to protect the public interests, the council by unanimous vote of all members thereof shall have power to authorize the mayor and comptroller, to borrow temporarily and upon such terms as the council may prescribe, such sum or sums of

money as the council may by unanimous vote of all the members determine to be necessary to meet such emergency, and to execute and deliver to the party or parties maing such loan, such notes, bonds, or other evidences of indebtedness as the council may prescribe. The payment of such temporary loans shall be provided for either by issuing bonds therefor or by tax levy within one year from the date of such loan. The limitations of section of this amendment shall not apply to such loan. All acts of the council under this section must be approved by the mayor and the comptroller by signing and countersigning the ordinance or ordinances, resolution or resolutions by which such action is taken, and if such ordinance or ordinances, resolution or resolution are not so signed and countersigned, they shall be void and of no effect.

Unexpended balances—Council may provide for retention.—Sec. 207. The council may by ordinance provide for retaining for specific purposes by the various departments, bureaus or activities of the government of the City of St. Paul, of balances in the various funds at the end of the year after all obligations and purposes for which the funds were appropriated have been provided for. Said provisions for using said balances shall be uniform for all departments, bureaus and activities of the city government.

Transfer of funds.—Sec. 208. By unanimous action of the council, by resolution approved by the mayor and countersigned by the comptroller, balances remaining in budget funds may be transferred from item to item in any of said funds when by doing so an unavoidable deficiency in one item may be met by said transfer without hampering the work provided for by the money in the item from which the transfer is made.

Unexpected balances disposed of.—Sec. 209. All unexpended balances in any funds in the treasury at the end of any year shall be deducted from the budget appropriations for the next year for the funds in which said balances appear, before these funds are provided for by tax levy or other source of city revenue. All other unexpended balances shall revert to the general fund. "Unexpended balance" as used in this chapter means money in the city treasury at the close of any fiscal year to the credit of any fund in excess of the requirements for meeting the expenditures lawfully chargeable to that fund in the same and prior years, including the interest and principal of all tax levy certificates that may have been issued to provide moneys therefor.

Miscellaneous receipts.—Sec. 210. The comptroller shall include in his report of estimates of city expenditures to the council, as heretofore provided for, estimates of the probable receipts within the next succeeding year from sources other than general city taxation and special assessments, or where money is received into the city treasury for some specific use, and shall detail in such report how said estimates may be apportioned to the funds in this chapter above provided for. In January of each year, after the annual appropriations for the city government, and all the departments, bureaus and activities thereof have been fixed for said year as hereinabove provided, the council shall by ordinance apportion as it may see fit, said miscellaneous receipts to the various funds. In making such apportionment specific sums shall be assigned to each fund participating herein other than the general fund, and to the general fund, the residue of the miscellaneous receipts shall be assigned, after the amounts specifically apportioned to said funds shall be paid.

From time to time as receipts from miscellaneous sources come into the treasury, the comptroller shall distribute the same among different funds to which the same have been appropriated by the council, so that each fund authorized by the council to share in the receipts, shall have during each fiscal year credited to it, the full proportion designated by the council. Provided, however that all receipts from taxes levied by chapter 285 of the laws of 1911, shall be apportioned as therein provided.

Property subject to taxation.—Sec. 211. All property, real and personal, within the city, except such as may be generally exempt from taxation by the laws of the state, and also except property taxed by the provisions of

chapter 285 of the laws of 1911, shall be subject to taxation for the support of the city government of the City of St. Paul and all departments, bureaus or activities of said government supported or provided for in whole or in part by taxation, and said property shall be assessed as provided by law.

Tax levy.—Sec. 212. After the council shall have made the apportionment of revenue from miscellaneous sources among the several funds, as provided in this charter, it shall not later than the month of January in each year proceed to make a tax levy upon all taxable property within the city, as nearly as may be equal to the aggregate amount of the previously made appropriations for each of the funds specified in this chapter, after deducting therefrom miscellaneous receipts assigned to it, and any unexpended balance of the corresponding fund of the previous year, available for said fund, and also such further sum or sums of money as the council may have reason to believe will be received for the credit of said fund from any other source. All such tax levies shall be itemized and the amount levied for each fund be separately stated therein.

Copy to county auditor.—Sec. 213. After making of such tax levy, a duly authenticated copy thereof shall be forthwith transmitted by the city clerk to the county auditor of Ramsey county, who shall cause the same to be entered upon the tax duplicate of said county, and to be collected at the times and in the manner prescribed by the general laws of this state relating to the levy and collection of taxes.

Water department revenues kept separate.—Sec. 214. All receipts and revenues of the water department shall be kept separate and distinct from the other revenues and income of the city, and shall be exclusively applied to the payment of the expense of conducting the business of that department, the repairs and maintenance of the plant and property constituting the public water works, the payment of the interest and principal of all the bonds heretofore or hereafter issued by the city for the acquisition, extension, renewal or improvement of said works, and the payment for such future extensions and improvements of the same as may be made by the city.

School, library and Auditorium revenues.—Sec. 215. The revenues, if any, derived respectively from the public schools of the said school district, the auditorium or the public library, shall belong to the respective funds provided for the maintenance of said schools, auditorium and library.

The public funded debt—Bonded indebtedness—Interest—Sinking fund. Sec. 216. Save as provided otherwise in this charter the present bonded or permanent debt of the city shall not be increased; nor shall any new bonds to the city be issued except as provided by law.

The council is fully authorized and empowered to provide by taxation for the prompt payment of interest and for a sinking fund sufficient to meet such bonds of the city at maturity whether heretofore issued or hereafter to be issued.

Issue of bonds.—Sec. 217. The council shall have power by a five-sevenths vote to authorize the issue of bonds for the purpose of refunding bonds previously issued as the same become due if the funds in the sinking fund properly applicable to such maturing bonds are not sufficient to pay and discharge the same; and also for the purpose of creating or preserving a permanent improvement revolving fund, or funds as provided for in this charter. All refunding bonds so issued shall be negotiated by the sinking fund committee, hereinafter provided for, and no part of any issue of bonds, either for refunding other bonds or creating or preserving a permanent improvement revolving fund or funds shall be sold or used in exchange for bonds of a previous issue, at a less price than the full face value thereof with accrued interest, nor shall any bond or any proceeds of any bonds issued for refunding or renewing bonds of a previous issue, be used for any other purpose than of retiring or renewing such prior bonds. And no bond or any part of the proceeds, of any bond issued for the purpose of creating or preserving a permanent improvement revolving fund,

or funds, shall be used for any other purpose than the specific purpose for which the same may be issued. No other bonds shall be issued unless the council by a five-sevenths affirmative vote of all the members elect shall vote to issue the same and unless the question whether such bonds shall be issued shall be submitted to and approved by a majority of the electors voting upon the question at a general or a special election.

Provided that the council may by a five-sevenths affirmative vote of all the members elect, upon request of the water board, and without submitting the question first to the voters of the city, issue and sell bonds of the city for the purpose of extending, enlarging and improving the public water works plant, and the water works system owned and operated by the said city, but no more than $100,000 par value of said bonds shall be issued in any one calendar year and not more than $300,000 in the aggregate shall be authorized under this clause.

When such water bonds or any of them are issued or sold, it shall be the duty of the water board to make suitable provision from the revenues of said water plant for the prompt payment of all current interest on said bonds as the same accrues, and for the redemption of said bonds at their maturity. Provided further that all bonds authorized to be issued by chapter 163 and 164 of the laws of 1911, may be issued by a five-sevenths vote of the council and without submitting the same to a vote of the electors of the city, and said chapters 163 and 164 are each continued in full force and effect notwithstanding any of the provisions of this charter.

No bonds shall be issued except for the purpose of refunding maturing bonds as heretofore provided, when thereby the aggregate bonded indebtedness of the city over and above any bonded indebtedness held in the sinking fund and bonds issued for the construction, maintenance, extension, enlargement and improvement of the water works, or of the lighting plants or other public utility owned and operated by the city, or for the acquisition of property needed in connection therewith, or for the creation or maintenance of a permanent improvement revolving fund, or bonds or certificates of indebtedness issued for the purpose of anticipating the collection of general taxes for the year in which issued, shall exceed ten per cent of the taxable or assessed valuation of the property taxable in the city; but this limitation shall not apply to the amount issuable of any of the bonds above enumerated, which are excepted from the class of bonds making up such ten per cent aggregate bonded indebtedness.

Faith and credit of the city pledged.—Sec. 218. The faith and credit of the city is hereby pledged irrevocably for the prompt and faithful payment of the bonded indebtedness of said city, and the interest thereon, as in the bonds provided.

Sinking fund.—Sec. 219. A sinking fund to be used for the payment and retirement of bonded indebtedness of the city shall be and is hereby created out of moneys derived from the following sources:

1. Such taxes as the council may from time to time lawfully levy for that purpose.
2. Proceeds of the sale of any city property not appropriated within a year for the purchase of other property for public use.
3. Taxes levied for any department which may cease to exist without expending the funds derived from said taxes, and which is not succeeded by another department covering the same general work.
4. The surplus from any special assessment after all legal demands upon said assessment have been met.
5. Surplus revenues of the water department not required in improving or extending the water works or in paying principal or interest of the specific debt incurred on account of said department. Provided that before any portion of said water department surplus is added to the general city sinking fund the council and the water board must so direct by unanimous action of all members elect, and the mayor and comptroller must approve.
6. Any other moneys coming into the city treasury not otherwise appropriated by law or by this charter.

Sinking fund committee.—Sec. 220. The sinking fund shall be under the management of a committee to be known as the sinking fund committee composed of the mayor, comptroller and the commissioner of finance, of which the mayor shall be ex-officio president and the comptroller ex-officio secretary. All moneys and securities belonging to this fund shall be kept entirely separate and distinct from all other funds belonging to the city, and records and accounts of the same shall at all times be kept showing the exact amount and condition of said funds and containing a complete description of all securities belonging to the same. And the comptroller shall keep full and accurate minutes of all the proceedings of said committee in a book to be provided and kept by him for that purpose. Said committee shall have such further powers and duties as are conferred and imposed upon it by this charter.

Investments from sinking fund.—Sec. 221. As fast as the moneys accumulate in the sinking fund, the sinking fund committee shall cause them to be invested in securities of the description following and not otherwise, that is to say:

1. The bonds of the City of St. Paul.
2. The interest bearing certificates of the City of St. Paul.
3. Interest bearing bonds of the county of Ramsey in this state.
4. Interest bearing bonds of the state of Minnesota, or of the United States, or of any other state which shall not at any time previously have defaulted in the interest and the principal of its bonded debt.
5. Interest bearing bonds of any county of the state of Minnesota, lawfully issued for any purpose other than to aid in the construction of a railway, or to refund railway aid bonds previously issued.

The several classes of investment for the sinking fund shall be given preference so far as practicable in the order named above.

All bonds purchased by the sinking fund committee shall be stamped "Property of the City of St. Paul transferable only on endorsement of the sinking fund committee."

Sinking fund income.—Sec. 222. The gain or income arising from any moneys or securities held for the sinking fund shall belong to the said fund and used for the same purpose as the moneys or securities from which said gain arises.

Purchase and sales.—Sec. 223. Members of the sinking fund committee shall make all purchases for the sinking fund with a view to serving the best interests of the city. Funds in the sinking fund applicable to the purpose shall be used for the purpose of paying maturing bonds, and all bonds so paid shall forthwith be canceled and filed.

Attest to bonds—Coupons—Forms.—Sec. 224. All bonds issued by the city shall be signed by the mayor and countersigned by the comptroller, and have thereto attached the corporate seal of the City of St. Paul attested to by the City Clerk. Coupons issued with any such bond may be authenticated by the engraved signature of the mayor, and the counter-signature of the comptroller. Except as otherwise provided by law the form of bonds issued by the city shall be determined by the sinking fund committee with the advice of the corporation counsel.

Tax levy certificates—Certificates of indebtedness—Counsel may authorize 80 per cent of tax levy.—Sec. 225. As soon as the tax levy for any year has been transmitted to the county auditor, the council may by ordinance to be adopted by a four-sevenths vote of all the members elect, cause to be issued and sold by the sinking fund committee certificates of indebtedness in anticipation of the collection of taxes for any of the funds named in the tax levy; but the total amount of the principal of all such certificates issued in any one year for any fund, shall not exceed eighty per cent of the amount included in the tax levy of the same year for such fund.

Maturity—Interest rate—Denominations.—Sec. 226. No such certificates shall be made to mature at a later date than the fifteenth day of November of the year following that in which the same shall be issued and the rate

of interest shall not exceed six per cent per year, payable semi-anually. The certificates issued for each fund shall constitute a separate series, which shall be consecutively numbered and state upon the face thereof, the fund for which the same are issued and the total amount of the tax levy for such fund for the year. Such certificates may be issued in denominations of $100 or any multiple thereof up to $5,000, as the committee may from time to time find necessary or convenient in the sale of such certificates. Such certificates may have interest coupons attached, and may be made payable at such place, to be fixed by the council as shall seem best calculated to promote their sale.

Principal and interest first charge upon tax receipts.—Sec. 227. The principal of said certificates shall be payable solely out of the taxes levied for the fund on whose account such certificates were sold, and for the corresponding fund in prior years, and the liability of the city of any such series of certificates of the coupons issued therewith, shall be limited to the faithful and ratable application to payment thereof of the amounts of such taxes which shall be collected and paid into the city treasury, and as the same are received by the treasury; but interest at the rate named in any such certificates shall run upon any unpaid principal thereof, after maturity, until such principal and the interest accruing thereon shall have been fully paid as herein provided unless the holder of such certificates fails to present the same for payment. The principal of the series of certificates sold in any one year on account of any fund shall be a first charge on the moneys received by the city treasury from the taxes levied for such fund in the year in which such certificates were sold; and no part of such moneys shall be used for any other purpose until the principal and the interest of such series of certificates shall have been paid or the moneys for the payment thereof have been set apart in the city treasury. All interest on said certificates shall be paid out of the interest fund.

Proceeds of sale.—Sec. 228. No part of the moneys arising from the sale of any such certificates shall be used for any other purpose than that of the fund on account of which such certificates were sold, except as otherwise provided in this charter.

Sale of certificates.—Sec. 229. In the sale of such certificates the sinking fund committee shall so act as to get the maximum returns for the city. No certificates shall be delivered until the price in full has been first paid into the city treasury. Complete records of all sales and payments shall be kept by the comptroller and the commissioner of finance.

Form of certificates.—Sec. 230. Such certificates shall be signed by the mayor and countersigned by the comptroller and shall bear the corporate seal of the city attested by the city clerk, and shall bear the date on the day of issuance thereof. Said certificates shall be in such form as approved by the sinking fund committee with the advice of the corporate counsel. Interest coupon for interest accruing before maturity, and signed by the mayor and countersigned by the comptroller, may be attached to such certificates. Such signatures may be engraved on said coupons.

Minimum price—Time of sale.—Sec. 231. No such certificates shall be sold for less than par and accrued interest or issued after the close of the year in which the tax levy against which the same was issued was made. Such certificates shall be sold at such time or times on or after the fifteenth of June in the year in which they are issued, and in such amounts as the sinking fund committee may deem most expedient and calculated to secure the best results and provide for the needs of the city.

Surplus moneys may be invested.—Sec. 232. The council may by resolution passed by five-sevenths vote of all the members temporarily invest the surplus of any moneys in the treasury belonging to any fund in the purchase of certificates of the kind aforesaid issued on account of another fund; and any such certificates so purchased shall be held, collected and paid for the sole use and benefit of the fund to which the purchase money thereof belonged.

CHAPTER XIV.

Local Improvements and Assessments Therefor.

General Powers.—Sec. 233. The municipal corporation of the City of St. Paul, by and through its council, is hereby vested with and authorized and empowered to exercise the following powers:

(1) From time to time, to acquire for present or future public use by purchase, gift, devise or condemnation any and all lands or easements therein for the following public uses and purposes:

(a) For parks, public playgrounds, parkways and boulevards; for public markets, public buildings, school buildings, hospitals, museums, art galleries, libraries, and grounds for each of the aforesaid buildings; for opening, widening, extending, straightening and altering any street, lane, alley, boulevard, parkway or other public thoroughfare or highway; for harbors, levees, boat landings and approaches thereto; for garbage, reduction and rendering plants; for gas, electric lighting and power plants, and for any other public purpose or use.

(b) For easements in, over, under and across the property of persons and corporations, for streets, bridges, approaches, culverts, viaducts, ditches, sewers, wires, mains and conduits and other public purposes and uses.

(c) For easements for the construction of slopes, retaining walls, for cuts and fills upon real property on any street, boulevard, parkway or other public street, thoroughfare or highway, or for any other public use or purpose.

(2) To change the grade, to grade, to pave, with any kind of material or pavement, to curb, to boulevard, to wall, to bridge, any street, alley, lane, parkway, boulevard or other public thoroughafre or highway; and to construct and lay sidewalks and crosswalks of any material, to construct and lay sewers wherever necessary; to construct conduits and areaways for gas, telephone, electric and other wires, and other instrumentalities to be placed underground in any street, alley, lane, parkway, boulevard or other public thoroughfare or highway, and to repair and replace any of the aforesaid improvements, now or hereafter existing.

(3) To drain marshes, ponds and swamps and fill the same; to abate nuisances; to grade, fill, improve, protect and ornament any public park, public square or grounds; to plant and protect ornamental shade trees in any street, parkway or boulevard; and to erect and install ornamental light, and sign posts, and drinking fountains in any square, park or public grounds, or on and along any street, parkway or boulevard; and to repair and replace any of the aforesaid improvements.

Gradual Condemnations—Building lines.—Sec. 234. In the opening, widening, extension, straightening, or alteration of any street, alley, lane, boulevard, parkway or other public thoroughfare or highway, the council may, in its discretion, and by a four-sevenths vote of all its members elect, adopt and carry out the following procedure:

(1) Determine, fix, and establish certain boundary or building lines, on, over and along any street, alley, lane, parkway, boulevard, or other public thoroughfare or highway. When such boundary or building lines shall have been determined, fixed and established, the council shall thereupon take and condemn or order the taking and condemnation of any and all land or lands being and lying within and between said boundary or building lines separate and distinct from any building or structure situated on said land or lands.

(2) When such land or lands shall have been so taken or condemned, the council shall thereupon forbid and prohibit the erection or construction between such boundary or building lines, or any new building or structure except such temporary buildings or structures, not to exceed one-story or twenty-five (25) feet in height, as such council shall permit or allow, for such time and upon such terms and conditions as it may impose or provide, provided, however, that such terms and conditions shall at all times be con-

strued to be a license only, revocable by said council upon thirty days' notice thereof to such licensee.

(3) When the council, by ordinance, shall determine that any street, alley, lane, parkway, boulevard or other public thoroughfare or highway, containing such boundary or building lines, shall be opened, widened, extended, straightened or altered for actual public use and enjoyment to its full width and extent or to the limits of said boundary or building-lines, the council shall thereupon take and condemn or order the taking and condemnation of any and all permanent buildings or structures or so much as may be necessary, remaining or standing on any and all lands being within and lying between such boundary or building lines, and at the same time, remove or cause the removal of any and all temporary buildings or structures aforesaid.

Cost of improvements—How paid.—Sec. 235. The cost of any one or more of the improvements aforesaid shall be borne, met, and paid for by the levy of an assessment or assessments therefor upon the property deemed benefitted thereby. And any two or more of the improvements aforesaid may be made at the same time and part of the same proceeding, and the assessments therefor likewise levied and collected.

Provided, however, that nothing herein shall prevent the council from appropriating sufficient money from the general funds of said city to pay the cost of any improvement of street intersections and crosswalks therefor.

Drainage districts.—Sec. 236. As soon as practicable the commissioner of public works shall prepare maps and charts showing the natural drainage areas within the city of St. Paul and report the same to the council. And, thereupon the council, by ordinance, shall carve out and divide the city into certain drainage districts or areas, as nearly as practicable co-terminous with the natural drainage areas of said city, which districts shall be known as "drainage districts." Thereafter the cost of any main or trunk sewer draining any one or more of such drainage districts shall be assessed equally on each lot, part or parcel of land within said drainage district or districts in such proportion as the number of square feet contained in said lot, part or parcel of land bears to the total number of square feet contained in such district or districts so drained, provided, however, that each and every lot, part or parcel of land abutting or fronting on the line of such main or trunk sewer shall have been first assessed the approximate cost of a lateral sewer necessary to drain such abutting property in accordance with the benefits conferred thereon, and the remainder of the cost of said main or trunk sewer only after said front foot assessment has been deducted shall be assessed upon said drainage district as above provided.

Park districts.—Sec. 237. As soon as practicable, the commissioner of public works shall prepare maps showing the natural topographical areas and divisions of the city, and report the same to the council. Thereupon the council, by ordinance, shall carve out and divide the city into certain areas or districts, not less than three, which districts shall be known as "park districts," and the cost of acquiring any land or lands for or the making of any improvement in any park, play-ground or public square within any one or more of said districts shall be assessed against the property within said district or districts in accordance to the benefits conferred thereon.

Lateral sewer, water and gas connections.—Sec. 238. The council is hereby authorized and empowered, whenever a sewer is ordered built, to include in such order the construction as far as the property line of all lateral connections and private drains that may be deemed expedient or necessary, or whenever a street or other public highway is paved, to include in such order the consturction as far as the property lines of all sewer, water and gas connections that may be deemed expedient or necessary and the same, except gas conections, to be assessed upon the property specially benefitted thereby.

Inauguration of Public Improvements.

Procedure.—Sec. 239. Whenever any one or more of the aforesaid improvements is contemplated or desired, it shall be inaugurated and carried out in the following manner, except as may be hereinafter modified.

Preliminary order.—Sec. 240. Upon the written application of three or more interested owners of property which may be subject to an assessment for benefits for an improvement or improvements set out in such application, or upon the written proposal therefor by any councilman, the council, by a resolution to be known as a "preliminary order," may order and direct the commissioner of public works to investigate the necessity for or desirability of any such improvement or improvements set out in such preliminary order, the nature, extent and estimated cost of each such improvements and the total thereof, a plan, profile or sketch of each thereof, together with such other data or information as the council may desire or require, and report the same to the commissioner of finance. The said commissioner of finance shall thereupon forthwith investigate and determine what lots, parts or parcels of land or real property may be assessed benefits to defray the cost of such improvement or each of said improvements, the total estimated amount of such assessment for each improvement and the total of all improvements, together with a statement of the assessed valuation on each lot, part or parcel of land or real property as last reported by the county assessor; and report the same to the council together with the report made to him by the said commissioner of public works.

Intermediary order.—Sec. 241. Upon the reception of such report from the commissioner of finance, the council shall consider the same, modify or refer the same for further information, or approve the same. When a report shall be approved or adopted the council by resolution to be known as an "intermediary order," shall determine to proceed with the same, or to discontinue the same. In case such intermediary order shall discontinue such improvement or improvements, then thereupon all action and proceedings shall fall and cease, and no such improvement or improvements named in the preliminary order therefor shall be again inaugurated or made except upon a new preliminary order, and no such preliminary order shall be introduced or passed for a period of six (6) months after the adoption of such intermediary order. In any intermediary order which shall provide for proceeding with such improvement or improvements, the council shall state the nature of the improvement or improvements which it recommends and any and all alternatives therefor, which it may deem advisable together with the cost of each, and it shall also fix a time and place, not less than twenty (20) days after the passage of such order, for a public hearing on such improvement or improvements.

Not less than ten (10) days prior to the time set for such hearing, the commissioner of finance shall mail to every known owner at his last known address, or to the agent, of property subject to an assessment therefor, a postcard stating the time and place for such hearing, the nature of the improvement or improvements proposed, and such other information as the council may direct.

Hearing—Final order.—Sec. 242. At the time and place fixed in such intermediary order, the council shall hear all persons and all objections and recommendations relative to the improvement or improvements named in such intermediary order. Thereafter, the council may reconsider such intermediary order, and determine to discontinue such improvement or improvements, or it may proceed to adopt a resolution, to be known as a "final order," wherein shall be stated the precise nature, extent and kind of improvement or improvements which shall be made, and instruct and direct the commissioner of public works to prepare plans and specifications therefor, and proceed with the making of such improvement or improvements.

Petition of remonstrance.—Sec. 243. No public improvement, the cost, or any part of which, shall be paid by an assessment on the property deemed benefitted, shall be made if a petition of remonstrance as hereinafter provided is filed with the council at any time prior to the passage and adoption

of the final order therefor. And no further action shall be taken therein and all proceedings had theretofore shall be of no force and effect and no other or new preliminary order for such improvement or improvements so petitioned against shall be introduced for a period of six (6) months from and after the filing of such petition.

Such petition shall describe the improvement or improvements and shall be signed by not less than sixty (60) per cent of the resident owners, or their agents, of such property aforesaid representing not less than fifty (50) per cent of the lineal frontage on the line of such improvement, or when such basis shall be impracticable then sixty (60) per cent aforesaid representing not less than fifty (50) per cent of the parcels of land so assessed.

Each signer shall write his name and place of residence, or where an agent shall sign, the name of such owner by his agent and the place of residence of such owner, give a description of the property owned or represented, and the lineal feet frontage of the same when required as aforesaid.

Such petition may consist of several papers, but the names on each separate paper or portion thereof shall be certified to under oath by one of the signers thereof.

Provided, however, that no such petition of remonstrance shall have any force or effect whenever the council, by a resolution adopted by a five-sevenths vote of all its members elect including the mayor, and adopted within twenty (20) days from and after the filing of such petition, shall declare such improvement or improvements to be a public necessity.

Assessments For Local Improvements.

Preliminary assessment.—Sec. 244. After the cost of the construction of any improvement or improvements for which an assessment may be levied, has been determined either by the letting of a contract or contracts therefor, or as otherwise provided for in this charter, the commissioner of finance shall ascertain the amount of all expenditures for published notices, postcards theretofore and thereafter to be incurred, the cost of all construction work including an estimated amount, not to exceed two per cent of the cost of such construction, for inspection, all court fees for confirmation of such assessment, and other disbursements, and thereupon proceed to assess and levy the total amount so ascertained upon each and every lot, part, and parcel of land or lands deemed benefitted by such improvement or improvements, and in the case of each lot, part, or parcel of land, in accordance with the benefits deemed conferred thereon. Upon the completion of such assessment the said commissioner shall report the same to the council.

Final assessment.—Sec. 245. When such assessment hereinbefore provided for has been reported by said commissioner, the council shall proceed to consider the same, revise, modify or refer same to said commissioner for revision or modification. After such assessment is satisfactory to the council, it shall by resolution approve the same, and thereupon fix a time and place for a public hearing on the same, which shall not be less than twenty (20) days after the adoption of such resolution. The commissioner of finance shall forthwith give notice of such hearing in the same manner as hereinbefore in section 241.

At such hearing or any time thereafter the council may modify, revise amend such assessment, and when such assessment is satisfactory to the council, it shall thereupon by resolution ratify such assessment and order the same to be submitted to the District Court for confirmation as hereafter provided.

Judicial confirmation.—Sec. 246. Upon the ratification of such assessment as hereinbefore provided, the commissioner or finance shall file a certified copy of such assessment with the Clerk of the District Court in and for Ramsey County, and such assessment roll shall contain a description of such improvement or improvements as shown by the Final Order for which such assessment was levied, the names of the persons whose names each lot, part or parcel of land stands assessed as shown by the last assessed valuation thereof by the County Assessor, a description of each parcel and

the amount of the assessment against the same set opposite thereto. The filing of such assessment roll shall have the same effect as the filing of a complaint.

Thereafter the said commissioner of finance shall cause to be published at least once in the official paper of said city, a notice in the following form and manner:

"STATE OF MINNESOTA, } ss. DISTRICT COURT.
County of Ramsey. Second Judicial District.

THE STATE OF MINNESOTA, to all persons, companies, or corporations who have or claim any estate, right, title, or interest in, claim to or lien upon, any of the following parcels of land described in the list hereto attached:—

The list of assessments on real property for the local improvement or improvements made in the City of Saint Paul known and described as follows:—(Here insert the nature of the improvement or improvements as shown by the Final Order,) has been filed in the office of the clerk of the district court of said county, of which that hereto attached is a copy. Therefore, you, and each of you, are hereby required to file in the office of the said clerk, on or before the twentieth (20th) day after the publication of this notice and list, your answer, in writing, setting forth any objection or defense you may have to the confirmation of such assessment, or any part thereof, upon any parcel of land described in said list, and in default thereof, said assessment will be confirmed and judgment will be rendered, but not docketed, for assessment on said list appearing against it.

(Signed) .....
Clerk of the District Court of Ramsey County.

(Here insert list).

As to platted property, the form of heading shall conform to circumstances and be substantially in the following form.

City of Saint Paul
(Brown's Addition or Subdivision.)

Name of owner.	Lot.	Block.	Total Assessment. $ cts.
(John Smith)	(1)	(22)	($5.09.)

Unplatted property shall be placed under a separate column and be substantially in the following form:

City of Saint Paul
UNPLATTED PROPERTY.
Township (Forty) Range (Thirty-two)

Name of Owner.	Subdivision of Section.	Section.	Total Assessment. $ cts.
(James Brown)	(S. E. ¼)	(5)	(9.87.)

The names, descriptions and figures employed in parantheses in the above forms are merely for the purposes of illustration.

The name of the township, range, city, and addition or subdivision, as the case may be, shall be repeated at the head of each column of the printed lists as brought forward from the preceding column.

Hearing—Jurisdictional defects.—Sec. 247. Upon due publication of such notice, and of which the filing of an affidavit of publication as by laws in such cases made and provided shall be due proof, the court shall be deemed to have acquired full and complete jurisdiction to hear and determine such proceeding at the next special term thereof following the expiration of the time aforesaid, or during the months of July, August and September, three days thereafter, or in both cases, as soon thereafter as practicable.

The only defenses and objections to the said assessment shall be:

1. That there is no valid Final Order for such improvement or improvements.

2. That the assessment is fraudulent, or made upon a demonstrable mistake of fact, or upon an illegal or erroneous principle of law.

The jurisdiction of the Court shall not be affected by any error, act or omission, except as heretofore provided, prior to the filing of such assessment list with the clerk, nor by any mistake in copying the list for publication, or in publishing the same, nor by reason of the assessment having been charged in any other name than that of the person to whom the same is assessed as heretofore provided, nor by any mistake in the amount of the assessment in such published list appearing against any parcel of land therein described, nor any other mistake or error not affecting the substantial right of any person.

At such hearing, the court may modify, alter, amend, revise the whole or any part of such assessment, or strike out any parcel of land therefrom upon the ground that no benefits inured therto, or it may direct the commissioner of finance so to do in accordance with the terms of its order, and thereafter without notice submit the same to the court for its approval.

Whenever any assessment shall be approved by the court, it shall make an order confirming such assessment and render judgment against each lot, part or parcel of land for the amount of the assessment set opposite thereto.

Certified copy.—Sec. 248. After confirmation and judgment as hereinbefore provided, the clerk of the district court aforesaid shall deliver to the commissioner of finance a certified copy of such assessment roll as confirmed by the said court.

Comptroller's audit.—Sec. 249. The commissioner of finance, before filing with the clerk of the district court aforesaid any assessment-roll shall deliver the same to the comptroller for his audit thereof and any objections thereto made by said comptroller shall forthwith be reported to the council for its action thereon.

Before the commissioner of finance shall publish any notice for the collection of any assessment, or before he shall deliver to the county auditor, as hereinafter provided, any certified copy of any installment of any assessment, or a list of delinquent installments or assessments, he shall first submit such assessment roll, or certified copy of installments, or list of delinquents, as the case may be, to the comptroller for his audit and approval thereof.

In none of the cases aforesaid shall the comptroller retain such document in his possession for more than ten days.

Effect of confirmation and judgment.—Sec. 250. When such assessment shall be confirmed and judgment rendered, as hereinbefore provided, against each lot, part or parcel of land, the same shall be final and conclusive upon all persons and parcels of property, except that the same may be subject to review by the Supreme Court as in other civil actions, provided, however, that an appeal be taken therefrom within twenty (20) days from and after such confirmation and a notice of such appeal be served upon the commissioner of finance and proof of such service filed with the clerk of said court and provided further, that such person or persons appealing shall also file with said clerk within the time aforesaid a bond with such sureties and in such an amount to be approved by the court or a judge thereof, conditioned for the payment of the amount for which judgment shall be rendered and the penalties and costs allowed by law, if the decision of the district court shall be affirmed.

And provided further, that such appeal and any judgment thereunder shall affect only such lots, parts and parcels of land named in such notice of appeal, and that the assessment as to all other parcels shall be the same as if no appeal had been taken.

Re-assessment or new assessment.—Sec. 251. In all cases where an assessment is not confirmed and judgment is denied against any lot, part or parcel of land, and where such assessment is not determined by the court

or under its direction, then the commissioner of finance and the council without any order, resolution or other act shall proceed to make a re-assessment or new assessment in the same manner as hereinbefore provided in sections 244 to 250, inclusive, of this charter, and the same shall be collected and enforced in the same manner as other assessments, and such parcels may be assessed and re-assessed for any cause as often as may be necessary until each separate lot, part or parcel of land has paid its proportionate share of the cost of such improvement or improvements, as nearly as may be. In case the amount of such re-assessment or new assessment shall be less than the first assessment upon such lot, part or parcel of land re-assessed, then the deficit shall be paid out of the general revenues of said city.

Inadequate assessments.—Sec. 252. If in any case the first assessment levied shall prove insufficient to pay fully the cost of any improvement or improvements, the commissioner of finance and the council shall forthwith proceed to assess and re-assess the necessary amount upon the property deemed benefitted by such improvement or improvements to pay the cost theerof.

Improvements on private property.—Sec. 253. Property owners may be allowed to construct any improvement upon or through their own property at their own expense, in such cases and upon such terms, and under such regulations as the council, by ordinance, may prescribe from time to time.

Unforseen obstacles.—Sec. 254. If the council, in carrying out the provisions of this charter should find any unforseen obstacles, not provided for, in the making of any improvement or improvements, the council, may, by resolution, order such changes or modifications in such improvement or improvements to meet such unforseen obstacles as the said council may deem equitable, just and necessary, either before or after the confirmation of any assessment, or at any time while the work of such improvement or improvements is in progress, and the additional expense occasioned by such change or modification may be included in the original assessment or raised by an additional assessment upon the property deemed benefitted thereby to the extent of such benefits.

Rule for assessments.—Sec. 255. It shall be the duty of the commissioner of finance and the council, in estimating the benefits to any particular lot, part or parcel of land, to take into consideration the nature of the interest therein, the formand position of their several parcels of land, the qualified rights of the owners in reference to its employment and any other circumstances which render the proposed improvements more or less beneficial to him or them, and the determination and assessment or estimate of benefits deemed accruing to said property by said commissioner of finance and council shall be final, except as otherwise herein provided.

Adverse possession.—Sec. 256. No right, title, estate or easement of the City of Saint Paul in or to any property shall be prejudiced or lost by an adverse possession or occupancy.

Non-assessable improvements.—Sec. 257. Where the cost and expense of any of the following improvements, viz:—A change of grade, condemnation of any land or an easement therein does not exceed the sum of two hundred ($200) dollars, the same shall be paid out of the general funds of the city.

Collections of Improvement Assessments.

Asessments—How payable.—Sec. 258. At the same time that the council, as hereinbefore provided, shall ratify any assessment, it shall in such resolution determine and provide in what number of installments, not to exceed ten (10) installments, the assessment against any lot, part, parcel of land shall, or may be, paid. Provided, however, that any assessment upon any lot, part or parcel of land amounting to ten dollars ($10) or less for said lot, part or parcel shall be paid in but one payment.

Lien of assessment.—Sec. 259. The cost of any improvement and the assessment levied and assessed and against any real property under the provisions of this charter shall be a perpetual, paramount and continuing lien upon the real estate upon which the same may be imposed from and after the confirmation of such assessment as hereinbefore provided and until the same is paid, provided, however, that as between grantor and grantee, vendor and vendee and mortgagor and mortgagee, the lien of such assesment shall attach as follows:

(1) Where such assessment is payable in one installment, then on and from the day of the publication by the commissioner of finance of a notice as hereinafter provided, for its payment.

(2) When such assessment may be paid in two or more installments, then the lien of the first installment shall attach on and from the day of the publication by the commissioner of finance of a notice, as hereinafter provided, for its payment, and the lien of each subsequent installment shall attach on the first Monday of January of the year for which such installment is certified for collection to the County Auditor of Ramsey County by the commissioner of finance.

The lien of such assessment or of any installment of such assessment shall be of equal rank with the lien of the state for taxes which have or may be levied upon said property under the general laws of the state, and the general rules of law as to priority of tax liens shall apply equally to the lien of such assessment or installments thereof. And to such liens for general taxes with the same force and effect as though all of the liens aforesaid and all the taxes and the assessments and installments aforesaid were of the same general character and imposed for the same purpose and by the same authority without regard to the priority in point of time of the attaching of either of said liens, and a sale or perfecting of title under either shall not bar or extinguish the other. The enforcement of the liens of any installment shall not operate to give the same superiority over subsequent unpaid installments. No assessment or sale made pursuant to this charter shall extinguish or affect the lien of the city under an assessment previous to the adoption of this charter.

Notice for payment—Delinquency.—Sec. 260. Whenever, after confirmation and audit thereof, any assessment roll is delivered by the comptroller to the commissioner of finance, the said commissioner shall forthwith proceed to collect the same, or the first installment, as the case may be and shall forthwith cause to be published in the official paper a notice that the payment of such assessment, or the first installment, as the case may be, is thereby demanded, and that unless the same be paid within the time hereinafter provided, the same will be declared delinquent and the penalties hereinafter provided will attach.

At the same time of such publication, the said commissioner shall also mail to the owner, or his agent, at the last known address, of any property so assessed, a post-card to the same effect, but the failure so to do shall in no way effect or prejudice the collection of such assessment or installment, nor the attaching of any penalty.

Any assessment, or first installment, as the case may be, which shall not be paid within thirty (30) days from and after the publication of the notice aforesaid shall be and become delinquent, and the said commissioner shall forthwith add to the amount of any assessment, or first installment, as the case may be, assessed against any lot, part or parcel of land, so delinquent, a sum equal to ten (10) per cent of such assessment or installment, delinquent, and in addition thereto, the said commissioner shall collect interest on such assessment, or first installment, delinquent at the rate of six per cent per annum from the day of such delinquency until the day of payment, provided the same be paid before the first day of November following such delinquency.

Delinquent assessments collectible by county.—Sec. 261. Not later than the first day of November of each and every year, the said commissioner shall certify to the county auditor of Ramsey County a list of each and every lot, part or parcel of land against which there is a delinquent assess-

ment, or first installment, not theretofore certified, the amount of such assessment, or first installment, and the amount of the penalty against each lot, part or parcel, together with the interest on such assessment, or installment, at the rate of six (6) per cent, against each lot, part or parcel, computed from the day of such delinquency to the first day of January following such delinquency.

It is hereby made the duty of the county auditor aforesaid to spread and place on the tax lists or roll of real property to be delivered to the county treasurer the January following, the amount of such assessment, or first installment, delinquent, the amount of such penalty, and the amount of such interest against each and every lot, part or parcel of land shown on said list.

Interim payments.—Sec. 262. Whenever, after the delivery of the aforesaid list to the county auditor, and before the first Monday of January thereafter, the commissioner shall collect any assessment, or first installment, delinquent as shown on said list, and the penalty against the same together with interest as aforesaid from the day of delinquency until the day of payment, then and thereupon, the said commissioner shall forthwith at the close of each day certify to the county auditor aforesaid a list of all such payments, and the county auditor shall forthwith strike the assessments, penalties and interest against such lots, parts or parcels of land from such tax lists or tax-rolls aforesaid.

Subsequent installments—How collected.—Sec. 263. When an assessment against any lot, part or parcel shall be payable in two or more installments, the first installment shall be collected as hereinbefore provided, and each subsequent installment shall be and become due and payable annually thereafter, in sequence until such number of installments be exhausted, on the first Monday of January of the year for which such installment is certified for collection as hereinafter provided.

Where assessments are payable in two or more installments, each installment subsequent to the first installment shall bear interest at the rate of six (6) per cent per annum from the day of the publication of the notice for payment of the first installment of such assessment and until the first Monday of January of the year for which such installment is, or is to be, certified by the commissioner of finance to the county auditor of Ramsey County for collection, provided, however, that the interest on each and every installment unpaid shall be due and payable on the first Monday of January of each and every year until certified as heretofore provided, and such interest on all unpaid installments shall, in all respects, be and constitute part of such installment certified, except as may be otherwise herein provided.

Not later than the fifteenth (15) day of October of each and every year, the commissioner of finance shall certify to the county auditor aforesaid a list of each and every lot, part or parcel of land against which there is assessed a second or other installment, unpaid not theretofore certified to the said county auditor, and the total amount of the installment against each parcel, being the original amount of such installment plus the interest thereon, and the interest then due on all other unpaid and uncertified installments, as heretofore provided.

The said county auditor shall forthwith place and spread such total amounts aforesaid, as shown by said list, against each lot, part or parcel of land respectively on the tax-lists or tax-rolls which are to be delivered to the county treasurer for collection the following January.

Alterations in lots.—Sec. 264. Whenever the county auditor shall discover that the description of any parcel of land shown on said list certified differs from that shown on the tax-lists, or where any lot or parcel is, altered or divided, he shall report the same to a committee composed of the comptroller, the commissioner of finance and county auditor, who shall examine into the matter and who may thereafter alter or modify the description of said premises on such certified list and the original assessment roll, and where alteration or divisions occur pro rata such assessment or installment among such altered or divided parcels and do anything else in the premises equitably and justly necessary.

Advance payments.—Sec. 265. Where an assessment is payable in two or more installments, the entire amount of such assessment against any lot, part or parcel of land may be paid without interest within the time limited for the payment of the first installment thereof. And, any number of installments, not then due and payable, may be paid at any time upon the payment of the original amounts thereof and interest thereon as hereinbefore provided up to the time of such payment.

Collection by county officers.—Sec. 266. Any and all delinquent assessment, delinquent first installments, and other installments, or any other assessment for local improvement or other municipal purposes, certified to the county auditor of Ramsey County by the commissioner of finances or any other municipal officer or body of the City of St. Paul, authorized so to certify, shall be collected and the collection thereof enforced in the same manner, in all respects, as county and state taxes, and shall be added to the said taxes and all of the foregoing assessments or installments, of whatever nature shall be subject to the like penalties, costs, interest charges, whether or not interest charges or penalties have been theretofore added thereto by said city or not, and shall in all respects be treated and enforced as if the same were state and county taxes.

And, it is hereby made the duty of the county auditor and the county treasurer, and all county officers necessary therefor, to carry out the foregoing provisions.

Forfeited sale of present certificate.—Sec. 267. All certificates of sale for local improvements or other improvements now held by the city in any manner and upon which the time for redemption has expired, and all certificates aforesaid now held by said city upon which the time for redemption has not yet expired, upon the expiration of the time aforesaid, may be sold by said city by public sale or sales, by and through such officer or officers, at such times, upon such public notice, and upon such terms and conditions as the council, by ordinance, may prescribe and provide.

Pending acts.—Sec. 268. Assessments now being collected, all assessments made and confirmed but not collected, all other acts and proceedings had for any public improvement under the existing charter are hereby ratified and confirmed, but all other acts and proceedings to be done or had relative to the completion of the aforesaid, shall be done and had under the terms and provisions of this charter, wherever in the opinion of the council, by resolution, the same is practicable, and wherever the same be impracticable, in the opinion of said council, the same shall be continued under the terms and provisions of the existing charter, and the terms of the existing charter are hereby continued in force until such acts and proceedings are completed. The opinion of the council in the foregoing matters shall be construed to be judicial and final and conclusive in all matters and upon all persons. Wherever it shall be impossible for any officer under the existing charter to perform any act therein required by reason of the discontinuance of the office, the council shall, by said resolution, designate the officer or officers under this charter to perform the duties of such office or officer abolished required to complete such acts or proceedings aforesaid.

Condemnations.

Inaugurations—Awards.—Sec. 269. Whenever after the council has adopted an intermediary order for any public improvement for which an assessment may be levied and which shall require the taking or condemnation of any land or an easement therein, or in any other case where the council has determined that it shall be necessary for the city to acquire any land or an easement therein, and such land of such easement cannot be acquired except by condemnation or where the council has ordered the condemnation and taking of any land, lands or easement for public purposes, the commissioner of public works shall make and deliver a sketch, plan or profile and such other necessary data showing the exact amount of such land or the easement therein necessary so to be taken or condemned and report the

same to the council. The council thereupon shall by resolution fix the exact amount of such land or the exact extent of such easement to be taken or condemned, and thereafter the commissioner of finance shall view the said premises, fix and determine the value of such land, lands or easement aforesaid, and the amount of damages that shall be awarded to each and every person known or shown by the records of the Register of Deeds in and for Ramsey County to have any right, title, estate, lien or interest there. When the said commissioner of finance shall deem it advisable, he may subpoena and examine under oath any person or persons relative to the value of such land, lands, or easement therein and the value of any right, title, estate, lien or interest therein. When the said commissioner of finance aforesaid shall have fixed and determined the value of such land, lands or easement therein, and the amount of the awards aforesaid and to whom payable, he shall report the same to the council.

Confirmation of awards.—Sec. 270. The council, upon the delivery of such report aforesaid, shall fix a time and place for a public hearing upon the same, and for the confirmation of the award or awards aforesaid. The commissioner of finance shall thereupon give ten days' notice thereof by one (1) publication in the official paper and such publication shall be conclusive notice upon all persons or parties having or claiming any right, title, estate, lien or interest in any land, lands or easement therein, of the taking or condemnation thereof, and of the award or awards of damages for such right, title, estate, lien or interest in said land, lands or easement therein. And, each and every person, having or claiming any right, title, estate, lien or interest in any land, lands or easement aforesaid, or in the award of such damages shall be forever barred and estopped to question in any manner or in any respect, such taking or condemnation or the award of damages therefor, unless such person or persons shall, at the time of such hearing, file in writing with the said council, or the city clerk, if filed prior to such hearing, objections to the taking or condemnation of such land, lands or easement therein, or the award of damages therefor, or both, as the case may be.

At least five (5) days prior to such hearing, the said commissioner of finance shall serve or cause to be served, in the same manner as by law provided for the service of a summons, a notice of such hearing upon all persons, or their known agents, having or claiming to have any right, title, estate, lien or interest in the said premises so taken or condemned, who can be found in the City of St. Paul, and the affidavit of the commissioner that any person, or their known agents, do not reside or cannot be found in said city, shall be final and conclusive upon all persons as to such facts. At least five (5) days prior to such hearing, the said commissioner shall cause to be mailed, by registered letter, a notice of such hearing to all persons, or their known agents, who cannot be found in said city or who do not reside therein, directed to their last known address or residence, provided, however, that where such parties are unknown, or their place or residence or last address is unknown no such notice need be mailed, and of such fact the affidavit of the said commissioner shall be final and conclusive.

Provided, however, that the failure of the said commissioner to cause the service of such notice or mail the same shall in no way prejudice such condemnation or the award of damages therefor, but the willful neglect or failure so to do shall constitute malfeasance in office, be a misdemeanor punishable by fine not less than one hundred ($100.00) or imprisonment in the workhouse for not less than ninety days, or both and shall in addition render the said commissioner personally liable to any person damaged thereby.

At the time and place fixed in said notice, the council shall hear all persons, desiring to be heard relative to the matter, and thereafter may modify, alter or revise such report aforesaid, and when the same shall be satisfactory to the said council, it shall, by resolution, ratify and confirm such taking or condemnation and the award of damages to the persons or parties aforesaid, and when so ratified and confirmed the same shall be final and conclusive upon all persons, except as hereinafter provided.

Appeals—Notice pleadings—Jurisdiction of Court.—Sec. 271. Any person whose property has been appropriated or taken, and who has filed objections

thereto or the award therefor, shall have the right at any time within ten days from the ratification and confirmation aforesaid to appeal to the district court of Ramsey County, from such ratification and confirmation. Said appeal shall be made by filing a written notice of such appeal with the commissioner of finance, specifying the name of the appellant, a description of the property in which he has or claims an interest, and such interest therein, and the objections to such taking or condemnation or award, or both, and by filing with the clerk of the said court within twenty (20) days after such ratification and confirmation a copy of said notice of appeal and objections, together with a bond to the City of St. Paul conditioned to pay all costs which may be awarded against appellant, in such sum and with such surety as shall be approved by a judge of said court. In case of an appeal, a copy of all the awards as confirmed by said council, at the expense of the appellant, which shall not exceed the sum of three ($3.00) dollars and which shall be paid into the city treasury, shall be made and certified to by the said commissioner of finance, and shall be filed in the office of the clerk of the said court, and the said cause shall be docketed in the name of such appellant against the City of St. Paul as an appeal from such confirmation. Said cause may be brought on for hearing by either party and shall have preference over all other civil cases. Such appeal shall be tried as other civil causes, except that no pleading shall be necessary, and on such trial the only question to be passed upon shall be whether the said council had jurisdiction in the case, and whether the valuation of the property specified in said objections is a fair valuation, and the award to such objector is fair and impartial. The judgment of the court shall be either to confirm such award or to annul the same as far as the same effects the property of the objector, and no more, and an appeal may be taken therefrom by either party in the same manner as in the case of other civil actions. Any judgment against the city for costs and disbursements shall be a separate judgment and shall be payable out of the general funds of said city.

Consummation of condemnation.—Sec. 272. In all cases where the cost of any improvement shall be assessed against property deemed benefitted, and which improvement shall require the taking and condemnation of any land or interest therein, and after the determination of damage and awards therefor as hereinbefore provided has been ratified by said council, the land, lands, or easement therein shall be and become the property of the City of St. Paul upon the adoption and passage by said council of a final order for such improvement, and such adoption of a final order shall be and constitute a complete consummation of such proceedings, and a lawful and sufficient condemnation thereof of every right, title, estate, lien or interest therein. In all other cases, such taking and appropriation and condemnation shall be deemed completed and consummated, and a sufficient and lawful condemnation, upon the ratification by the said council of the awards aforesaid.

The City of St. Paul shall have the right to enter upon and take possession of all lands and property, or easements so condemned, and to appropriate such lands, property and easements of the purposes for which the same were condemned at such time as hereinbefore provided, and no appeal therefrom shall delay the right of the city so to do.

Ninety (90) days from and after the consummation of any condemnation proceedings, the sums so awarded as damages shall bear interest at the rate of six per cent per annum until paid.

Record of lands condemned.—Sec. 273. It shall be the duty of the commissioner of finance wherever possible to secure deeds to lands, or easements therein, and record the same, and in addition thereto cause to be filed in the office of the Register of Deeds a copy of any plat, sketch, profile, together with a description of all premises or easements condemned. The said register shall receive no fees therefor, and shall file and record the same without any certification as to taxes or assessments.

Buildings—Appraisal—Removal.—Sec. 274. If there should be any building standing, in whole or in part, upon the land to be taken, the said commissioner and council, shall add to their estimate of damages for the land,

the damages also for the building or part thereof necessary to be taken, if it be the property of the owner, or when separately owned the same shall be assessed separately, and at the same time fix the value of such building or part thereof to be taken, if such owner shall elect to remove the same. Such owner in writing and at the hearing for the confirmation of such award shall elect to remove such building at the value fixed or allow the same to remain on the premises and if he fail so to elect, he shall be deemed to have elected to permit such building to remain, and upon the consummation of such condemnation as hereinbefore provided, the commissioner of finance shall proceed to sell at public auction for cash and upon ten (10) days' notice by one publication in the official paper, and cause said building to be removed, and deposit said proceeds of such sale in the treasury to the credit of the assessment fund for such improvement and where feasible deduct the same from the assessment against each lot pro rata, and if not feasible then such money shall be placed in the general funds of said city.

Street Sprinkling.

Appropriations therefor.—Sec. 275. The commissioner of public works shall in August of each year determine the amount of street sprinkling that in his judgment should be done during the next fiscal year and report the same with the probable cost thereof to the council, which may modify or approve such report, and if it appears that moneys in the sprinkling fund, or accruable thereto shall prove insufficient to defray the cost of such sprinkling during the ensuing year, and equipment for such purposes, the council may provide sufficient funds by appropriation and tax levy therefor.

The levy and collection of such taxes shall in no way prevent the making and collection of assessments for such sprinkling and cost of any equipment, and all sums realizable from any source shall be used to pay for such equipment and the cost of such sprinkling in advance of the collection of the annual assessment therefor.

Order for sprinkling.—Sec. 275[a]. No street, thoroughfare or public highway or other public or private place shall be sprinkled by the commissioner of public works except upon the order of the council by resolution therefor.

Cost of sprinkling.—Sec. 275[b]. The commissioner of public works shall keep accurate account of the cost, including inspection, of all sprinkling as nearly as the same can be ascertained in front of the lots or parcels of land fronting on said improvement. The proportion of the cost chargeable to any street railway or other occupant of the public highways shall be deducted from the charge against abutting property. Not later than the first day o fOctober of each year the said commissioner of public works shall report and deliver to the commissioner of finance, a statement showing the total cost of such sprinkling, the total cost of inspection, the total amount expended during the year for new equipment, repairs and general maintenance, the amount payable by each occupant of a public highway, and the amount of the cost of such sprinkling, inspection in front of each parcel, and the pro rata amount of the cost of equipment, repairs and maintenance in front of each parcel, less the pro rata amount of such sprinkling to be paid by such occupant of any highway from such lots abutting on the highway so occupied.

Assessment for sprinkling, etc., and collection thereof.—Sec. 276. The commissioner of finance, not later than the 16th day of October of each year shall thereafter assess the cost of such sprinkling, inspection, pro rata share of cost or equipment and maintenance, less such deductions as heretofore provided, and the cost of making and collecting such assessment upon each lot, part or parcel of land fronting on such improvement upon the basis of the lineal frontage of such parcels, all in accordance with the report of the said commissioner of public works and the amount of sprinkling done in front of said premises, and deliver the same to the comptroller for audit. Not later than the 20th of the said month, the said comptroller shall report same to the council for its approval, by resolution and not later than the first day of November of each year the commissioner of finance shall certify

to the county auditor of Ramsey County a list of each parcel of land and the assessment against the same for such sprinkling and other costs thereof, as approved by the council. The county auditor and the county treasurer shall proceed to collect and enforce the collections of the same in the same manner as provided herein for the collection and enforcement of the collection of assessment for other local improvements, and render due account thereof in the same manner and at the same time. All moneys so collected and all interest, penalties and other moneys accruing thereto, shall be kept in a separate fund and shall not otherwise be used than to pay from time to time the cost of such sprinkling and other expenses connected therewith in advance of the collection of an assessment therefor.

Municipal sprinkling plant.—Sec. 277. The council shall have the power to establish and maintain, under the direction of the commissioner of public works, a plant or outfit, including necessary horses, wagons, and other material and equipment for the sprinkling of streets and public places. The cost of maintaining, establishing, and enlarging such plant, outfit, apparatus, material and equipment shall be deemed part of the cost of such sprinkling for which assessment may be made.

Fund of Local Improvements.

Deferred installments.—Sec. 278. Whenever an assessment for an improvement or improvements is payable in two or more installments, and after the time for the payment of the first installment has expired, the council, by resolution, may authorize the issuance and sale, in such manner and form as it may deem wise, of "Local Improvement Certificates of Indebtedness," against all installments, except the first installment, not yet due and remaining unpaid, and to the amount of such installments. All proceeds from the sale of such certificates shall be credited to a "Permanent Improvement Revolving Fund," and all collections of all assessments, installments, interest, penalties and other charges shall likewise be credited thereto, and all payments in the liquidation of the cost of any improvement for which an assessment is levied shall be paid therefrom. Nothing herein shall prevent the issuance and sale of certificates to cover several assessments, without the enumeration therein of such assessments. Such certificates shall, in the order of their priority, be a first lien upon all the moneys in said Permanent Improvement Revolving Fund, and the general faith and credit of the city is pledged to pay all and any deficiency or deficiencies, in case such moneys shall prove insufficient to pay such certificates in full, and that it shall at all times maintain the said Revolving Fund so that it shall be sufficient to meet all demands on the same at maturity. The council, by resolution, is empowered and authorized to issue and sell additional certificates or bonds, or make appropriations to maintain such revolving fund in a condition to meet all demands upon it for the payment of certificates at maturity. Such bonds shall not be issued to exceed a term of twenty (20) years, nor shall exceed four per cent per annum for interest, and shall not be sold for less than par and accrued interest. Such certificates shall be in the same form as other certificates hereinbefore provided.

No such certificates shall be made to mature at a date to exceed three (3) years from the day of its issuance, and the rate of interest shall not exceed six (6) per cent per annum, payable semi-annually, and no certificate herein provided shall be sold at less than par and accrued interest. Such certificates may be issued in such denominations as the council shall provide.

Provided however that the total amount of all such certificates and bonds shall not at any time exceed five (5) per cent of the total assessed valuation of real property in said city liable to taxation.

No improvement, for which an assessment may be levied and which will require the issuance of such certificates in excess of such limitations, shall be undertaken. Nothing herein shall prevent the making of any improvement where the assessment shall be payable in one installment.

Delinquent assessments or installments.—Sec. 279. All the proceeds of the forfeited sale of local improvement certificates now held by said city as provided for in Section 267 shall be used and employed to fund and carry all assessments or installments delinquent, and shall be known as the "Delinquent Assessment Fund." When such fund shall prove insufficient to carry such delinquent assessments and installments, the council shall from time to time provide sufficient funds therefor, by appropriation. Any surplus in such fund shall be invested in local improvement certificates of indebtedness.

Sidewalks.

Proposals—Orders.—Sec. 280. It shall be the duty of the commissioner of public works annually to cause proposals to be published in the official paper in the same manner and for the same time as for other public improvements, for the construction, relaying and repair of such sidewalks as may be ordered built, relaid or repaired by the council prior to the first day of November of each year.

Such proposals may provide for a separate contract for the construction, repair and relaying wood sidewalks, and also for one or more contracts for the construction, repair and relaying of sidewalks of brick, stone, cement and any other material or materials. The work shall be let and placed under contract as other improvements for which an assessment shall be levied.

Whenever the council shall pass a final order for the construction, repair or relaying of any sidewalk, the commissioner of finance shall transmit a copy of such order to the contractor who shall proceed to comply therewith without necessary delay within thirty (30) days after the delivery of such final order, except as hereinafter provided. The final order of the council shall describe definitely the property in front of which such sidewalk shall be constructed, relaid or repaired as the case may be.

Assessments therefor.—Sec. 281. The said commissioner of finance shall as soon as practicable after the construction, repair or relaying of such sidewalks report to the commissioner of finance, the cost thereof including inspection thereof, as nearly as he can ascertain the same, and the said commissioner of finance shall proceed to assess such cost and inspection and the necessary cost of collecting such assessment upon lots and parcels of land benefitted by said improvement upon the basis of the lineal frontage of such lot or parcel of land, and thereafter the procedure for perfecting such assessment and the collection and the enforcement thereof shall be the same as in the case of other assessments.

Private laying of sidewalks.—Sec. 282. When the council shall have passed a final order aforesaid, the owner of property where such sidewalk is to be constructed, relaid or repaired under such order may, at his own expense construct, relay or repair, as the case may be, such sidewalk in conformity with such order upon the following conditions: Such property owner electing so to do shall file with the commissioner of public works a written notice of such election within ten (10) days after the publication of such final order, and it shall be the duty of the said commissioner of public works to grant written permission so to do within thirty (30) days from and after a time specified in such permit. The said commissioner shall thereupon give prompt notice thereof to the contractor of the permit so granted. The said work of laying, repairing or constructing such sidewalk shall be done under the supervision and direction of the said commissioner of public works, and the said commissioner of public works shall charge a uniform fee, to be fixed by the council, by resolution, to cover the cost of such supervision and direction, which fee shall be paid into the city treasury at the time of the issuance of such permit. Such owner, having complied the foregoing requirements within the time aforesaid, shall be exempt from any assessment on account of such improvement aforesaid. In case the said owner shall fail so to comply with the aforesaid requirements and within the time aforesaid, the said commissioner of public works, shall give written notice to the contractor aforesaid to proceed with such work as directed by

said final order, and the property of such owner shall be assessed therefor to the extent of such benefits, and such owner shall also forfeit such fee afore said.

CHAPTER XV.

The Purchasing Department.

Purchasing department.—Sec. 283. There is hereby created a Purchasing Department to be under the management and control of the Purchasing Agent, appointed by the mayor with the approval of the council.

Employes—Appointments of.—Sec. 284. Subject to the provisions of this charter, the Purchasing Agent may appoint a Deputy-Purchasing Agent, who shall not be subject to the civil service rules, and such other assistants and employes as the council shall authorize and at such compensation as it shall fix.

Powers—General.—Sec. 285. The Purchasing Agent shall purchase, procure and contract for all articles, supplies and other portable goods, including printed matter not otherwise provided for in this charter, for the use of the council, and each and every officer and department of the city, subject to the provisions of this charter and the ordinances enacted in pursuance thereof.

Appropriation limits.—Sec. 286. But no purchase shall be made, liability incurred or contract let under the preceding section except upon the written certification by the comptroller that an appropriation or appropriations have been made therefor by the council and sufficient thereof remains unexpended to pay for the same.

Requisitions.—Sec. 287. Except as herein otherwise provided, all purchases shall be made or contract let only upon the written requisition therefor by the officer or department demanding same.

Compulsory requistions.—Sec. 288. With the consent of the council, the Purchasing Agent may himself requisition the entire appropriation, or so much thereof as may be advisable, at such time and in such manner as the council shall prescribe, of each and every officer and department remaining at any time unexpended.

Bulk-buying.—Sec. 289. The council shall, by an administrative ordinance, authorize contracts for and purchases of such supplies as it may deem advisable, in bulk, for the use of any and all officers and departments, for the entire year or part thereof, and at such times and in such quantities as it may deem advantageous and shall prescribe the mode of delivery, inspection, storage and distribution of the same.

Patented articles.—Sec. 290. The purchasing agent with the consent of the council and the comptroller, may purchase or contract for, without advertisement and competitive bids, such articles which by reason of a patent or copyright are sold only at a uniform price and where in such cases no advantage can be secured by competitive bids.

Emergencies.—Sec. 291. In case of an emergency, where failure to act promptly will work an injury to the city, the purchasing agent, with written consent of the comptroller and mayor, and the consent of the council may purchase supplies to any amount without advertisement and competitive bids.

Annual statement of supplies.—Sec 292. Not later than the first day in January of each year, each officer and department of the city shall transmit to the purchasing agent a full and complete statement of all the kinds of supplies and articles and the quantity thereof needed by the said officer or department during the ensuing year as nearly accurate as the same can be estimated, together with a statement of the approximate time when such shall be needed.

Such statement shall merely be for the guidance of the purchasing agent and shall not take the place of any requisition therefor.

Duties of Purchasing Agent.

Purchase standard articles.—Sec. 293. The purchasing agent shall make all purchases and let all contracts in accordance with the provisions of the charter and ordinances enacted in pursuance thereof, for standard articles and upon standard specification, unless patented articles are demanded or the same is impracticable, to which fact the comptroller shall certify.

Price records.—Sec. 294. He shall maintain a price record both from purchases made and of current quotations in such manner as may be prescribed by the comptroller with the approval of the council by administrative ordinance.

Accounting methods.—Sec. 295. He shall perform such duties relative to the approval of claims, the keeping of accounts, stock records, and other accounting procedure as the comptroller with the approval of the council by an administrative ordinance may prescribe, and also perform such other duties as by this charter, and administrative ordinances enacted in pursuance thereof, may be imposed upon him.

Standardization of Supplies, Specifications and Contracts.

Commission—Powers.—Sec. 296. There is hereby created a commission, composed of the mayor, the comptroller and the purchasing agent, which shall have the power to establish from time to time standards for each and every article for the use of any and all officers and departments; to make or cause to be made any test, examination or analysis necessary therefor; to require the assistance of any and all officers and departments therefor; to frame or cause to be framed full, proper and uniform specifications therefor and standard and uniform forms of contracts, and to provide penalties for the failure of any officer or department to use the same. All of the foregoing shall be done with the consent and approval of the council by and through an administrative ordinance. All standards or samples thereof shall be in the custody of the purchasing agent.

Contracts—Advertisements—Bids and awards.—Sec. 297. All contracts and purchases of supplies are hereby divided into the following classes:

(a) Informal Purchases. All purchases or contracts under the sum of one hundred ($100.00) dollars shall be made in such manner and from such persons as the purchasing agent may determine.

(b) Informal Bids. All contracts and purchases of one hundred ($100.00) dollars and not to exceed five hundred ($500.00) dollars shall be made upon such informal bids or proposals, not less than two, as the purchasing agent may procure or may be filed with him, and shall be awarded to the lowest responsible bidder by the purchasing agent. Notice of such proposed purchases shall be posted in the office of the purchasing agent for not less than one day.

(c) Formal Bids. All purchases or contracts in excess of the sum of five hundred ($500.00) dollars shall be made only upon competitive sealed bids and after advertisement therefor in the official newspaper for at least once a week for two successive weeks. Such advertisement shall state the kind and quantity of articles desired, and the quality thereof either in full or by reference to the standard specifications, the time and place for the filing and opening of bids. All formal bids shall be made on forms provided by the purchasing agent, shall state the price, the quantity and quality of each article bid on, and shall be sealed, but may be as to one or all of the articles named in the advertisement and shall also be filed at the time and place therein designated. All bids shall be publicly opened by the purchasing agent at the time and place named in the advertisement in the presence of the mayor and the comptroller or their representatives and such other persons as may be present.

Rejection of bids.—Sec. 298. The purchasing agent may reject all bids and that of any person, with the consent of the mayor, who has failed to perform a previous contract with the city, and shall reject all bids containing any alteration or erasures. In case of the rejection of all bids, the council may authorize the purchasing agent either to re-advertise or purchase such article or articles in such other manner, subject to this charter, as it may prescribe.

Awards.—Sec. 299. All awards of contracts upon formal bids shall be made to the lowest responsible bidder, but no award shall be made until all bids have been tabulated and submitted to the departments interested therein for their advice.

Inspection of goods.—Sec. 300. No goods, supplies or other articles shall be used or consumed by any officer or department until the same shall have been duly inspected as to quantity and quality by the comptroller and subject to such other rules and regulations as the council, by an administrative ordinance, may prescribe.

Sales of materials.—Sec. 301. The purchasing agent shall sell all material, supplies and other personal property belonging to the city which is not available for use or which is condemned, when so condemned by any officer or department and upon certification by the comptroller concurring therein, in such manner as the council, by an administrative ordinance, shall prescribe. All moneys realized from such sale shall forthwith be deposited with the treasurer to the account of the department for which such sale was made.

Permanent improvements and repairs.—Sec. 302. Whenever any officer or department shall require the purchase of any real estate, the erection of any building or buildings or other public improvement, except as otherwise herein provided, such officer or department shall report to the council an estimate of the cost of such improvement together with sketch plans and such other data as to give in full detail the nature thereof, the amount and estimated value of the land needed, if any, and a statement, certified by the comptroller, of the funds available, or the manner in which such funds may be provided. If the council approve such project, it shall, by ordinance, order the same to be made and provide funds therefor in accordance with the provisions of this charter.

Purchase of lands.—Sec. 303. All lands required hereunder may be acquired either by condemnation or by purchase at a private sale. When feasible the same shall be secured by private sale by a committee on lands, composed of the mayor, the purchasing agent and the head of the department requiring the same, which committee shall secure options directly or through agents on any suitable land or lands, and report the total cost of securing such land and all other facts to the council. The council shall promptly authorize the purchase of such land or lands as it deems suitable or cancel said options. The cost of securing said options shall not exceed one per cent of the value of the land to be purchased. In case that suitable land cannot be secured at a reasonable price by purchase, the council shall direct that condemnation proceedings be instituted, under the provisions of this charter, to secure the land necessary.

Erection of buildings.—Sec. 304. (a) Sketch plans. Whenever the erection of any building is contemplated either by the council or any commissioner, then the commissioner of parks, play-grounds and public buildings upon written request, shall prepare, as soon as practicable, any and all sketch plans and other data therefor.

(b) Complete plans and specifications. When any such improvement has been authorized, the council shall direct the commissioner of parks play-grounds and public buildings to prepare or cause to be prepared complete plans, estimates of cost and specifications therefor. Under the direction of the commissioner aforesaid, the city architect shall frame all plans and specifications and make estimates of cost for all public buildings and superintend the construction thereof. The council may, however, authorize the said

commissioner to employ a consulting or designing architect to aid in such work at such compensation as it shall fix. All plans and specifications shall be prepared and approved in the manner provided for in the chapter on parks, play-grounds and public buildings in this charter, as modified by this section.

(c) Construction of buildings. (1) By contract. The committee on public buildings shall direct the purchasing agent to advertise for proposals in accordance with the provisions of this charter for alternative proposals: (1) upon the basis for the construction of said building at a fixed price to be named by the bidder, and (2) upon the basis for the construction of the said building by the said bidder upon force or cost account, which latter bid shall contain the cost thereof as estimated by the bidder and the per cent of the cost demanded by the bidder for construction and superintendence. It is hereby made the duty of the commissioner of parks, play-grounds and public buildings to submit an estimate for such construction work.

Subject to the approval of the council, the said committee authorized by this charter to open said bids shall award the contract for such improvement to the lowest responsible bidder either upon the basis of a fixed price or upon the basis of force or cost account and percentage, or it may reject all bids and readvertise, or it may recommend that the commissioner of parks, play-grounds and public buildings perform such work.

(2) Construction of buildings. By city department. Whenever in the judgment of the council, the construction of any building can be more economically done by the city, either before or after the submission of proposals therefor, it shall direct the commissioner of parks, play-grounds and public buildings to do such work for the department requiring the same upon the basis of force or cost account, but no percentage for construction shall be allowed.

Repairs to buildings.—Sec. 305. Any and all repairs, replacements or alterations to any building or buildings, the cost of which shall exceed the sum of five hundred ($500.00) dollars or the work of which shall not be done and performed by the employes and under the direction of any officer or department shall be made in the manner hereinbefore prescribed for new construction work.

Gratuities.—Sec. 306. Neither the purchasing agent nor any person in the purchasing department shall accept any commission, gift, or present from any vendor or his agent with whom the city may have any dealings. Violations hereof shall constitute a misdemeanor, and forfeiture of such office or employment.

Council regulations.—Sec. 307. The council may, by an administrative ordinance or ordinances, provide other and further rules and regulations for the conduct and government of the purchasing department.

CHAPTER XVI.

CONTRACTS AND CONTRACTORS' BONDS.

Contracts let to the lowest bidder.—Sec. 308. Except as otherwise provided in this charter, all contracts for work to be done for the City of St. Paul or any department thereof, or for the purchase of supplies or property of any kind, shall be let to the lowest reliable and reasonable bidder, reserving the right to reject all bids.

Not otherwise specified.—Sec. 309. All contracts not otherwise provided for in this charter shall be let by the council.

Plans and specifications.—Sec. 310. Unless otherwise herein provided plans and specifications for buildings to be erected for the City of St. Paul or any department, bureau or activity thereof shall be prepared under the

direction of the commissioner of parks, play-grounds and public buildings; all plans and specifications for engineering work shall be prepared under the direction of the commissioner of public works. All other plans and specifications shall be prepared as in this charter otherwise provided, or where not provided for shall be prepared as the council shall direct.

Advertisements for bids.—Sec. 311. Advertisements for bids shall be prepared by the purchasing agent under such regulations as the council by ordinance may prescribe.

Bonds or checks with bids.—Sec. 312. Bonds or certified checks shall accompany all bids, in such form as the council may be ordinance prescribe.

Opening bids.—Sec. 312[a]. All bids shall be opened in the presence of the comptroller or his representative, the purchasing agent and the head of the department most directly concerned in the contract.

Bids filed.—Sec. 312 [b]. All bids shall be properly filed by the purchasing agent.

Award of contracts.—Sec. 313. Unless otherwise provided for in this charter, all contracts involving less than $5,000 shall be awarded by the persons charged with the opening of the bids and such contracts shall not require confirmation by the council. Where more than $5,000 is involved, the award shall be made in the same manner and by the same persons, but it shall not be complete, and it shall be of no effect to bind the city unless approved by the council by resolution.

Form—Drafting.—Sec. 314. The council shall by ordinance provide the manner in which contracts shall be drafted and submitted for approval, provided that all such contracts be in triplicate, one copy to go to the department most interested, one to the comptroller and one to the party contracting with the city.

Comptroller not to sign until money is provided.—Sec. 315. No contract shall be signed by the comptroller until provision shall have been made for sufficient money in the appropriate fund to meet the indebtedness incurred by such contract, except leases and contracts for public lighting and heating, where such contracts and leases are herein authorized for longer periods than one year, and excepting also contracts for public improvements, the cost of which is to be paid by assessment against the property benefited.

Execution of contracts.—Sec. 316. All contracts and leases shall be executed on behalf of the City of St. Paul by the mayor, comptroller and city clerk. The head of the department to which the contract or lease pertains shall also execute the same and the corporate seal shall be attached thereto.

Delivery to contractor.—Sec. 317. Until a certified copy of a fully executed contract is delivered to the contractor it shall not bind the city, nor shall any claim thereunder be approved or paid by the city.

Readvertising.—Sec. 318. Bids may be readvertised for under such conditions and restrictions as the council may by ordinance provide.

Contractor's liability.—Sec. 319. Any contractor who accepts a contract under said city shall take the same under the that he shall be personally and directly responsible for any and all loss, damage or injury to person or property by reason of the neglect or failure of himself or any one of his employes so to perform said work as to guard against all loss, damage or injury to person or property, and shall guard such work by suitable guards by day and by lights at night, so as to prevent any such loss, damage or accident.

Contractor's bond.—Sec. 320. Except as otherwise provided in this charter no contract shall be valid for any purpose until the contractor who is a party thereto shall file a bond with sufficient sureties and in proper form to protect the city fully and protect all persons who shall furnish said contractor with work, service or material in the carrying out of said contract. The

council shall by proper ordinance give effect to this provision. Provided that neither the council nor any officer shall by any act release any bondsman from liability upon such bond until the contract which it is intended to guarantee, shall be completed and fully carried out and all obligations thereunder or in any way appertaining thereto shall be met. All persons connected in any way with the carrying out of said contract whether as employe, laborer, material man, or in any other manner whatsoever shall be considered a party in interest for the purpose of invoking the protection of such bond.

Additional bond.—Sec. 321. An additional bond may be required whenever the council on recommendation of the city officer immediately interested on behalf of the city in the work, may see fit, or where such additional bond may be recommended by the comptroller.

Affidavit of payment of claims.—Sec. 332. No estimate under any contract shall be paid by the City of St. Paul until the contractor files with the comptroller an affidavit that all claims for all work and labor to date have been paid.

Assignment of contract.—Sec. 323. Any assignment of any contract in which the city is interested or to which the city is a party shall make it null and void and the city may at once take control of the work and relet it as it may see fit, or may proceed to complete the same at the expense of the contractor and his bondsmen.

CHAPTER XVII.

Department of Public Works.

Composition.—Sec. 324. There is hereby created a Department of Public Works which shall be composed of the bureaus of Engineers, Sanitation, Construction and Repairs, Bridges, Corrections and General Administration and subject to the charter and enactments in pursuance thereof, the same shall be under the full and complete control, direction and management of the commissioner of public works.

Bureau of Engineers.

Composition.—Sec. 325. The said commissioner of public works shall be the chief engineering officer of the city and subject to the charter and the enactments in pursuance thereof, shall name and appoint the following officers and employes who shall be and constitute the bureau of engineers:

A chief engineer for a term of two years from and after his appointment and until his successor is appointed and at an annual salary not to exceed five thousand ($5,000) dollars.

Such engineers, surveyors, draughtsmen and other employes as the council, by an administrative ordinance, shall provide and at such compensation as it shall fix.

Duties.—Sec. 326. The said bureau shall draught all plans, sketches, profiles for all public improvements, not otherwise provided for, make all surveys, do all the engineering work of the city, including the water board, furnish all technical skill and ability therefor, and exercise a general supervision and direction over all construction and repair work of the department or done under its direction, and also perform such other duties as may be imposed upon it by this charter and any enactment in pursuance thereof.

Bureau of Construction and Repairs.

Sec. 327. The said commissioner of public works shall be the head of the bureau of construction and repairs which shall be composed of the following persons, all of whom shall be appointed or employed by the said commissioner as the case may be:

A superintendent of construction and repairs, chief foremen, foremen, inspectors, laborers and other employes as the council, by an administrative ordinance, shall prescribe and at such compensation as it shall fix.

Duties.—Sec. 328. The said bureau shall do and perform all the work, grading, paving, construction and repair work of all sewers, streets, alleys, levees, lands, boulevards, parkways and other public places, the construction of all sewers, sidewalks, reservoirs, and the repair of each of the aforesaid, the laying, relaying and removal of all water pipes and other conduits of said city, and all other work, including that for the water board, which may be imposed on it for the benefit of the city or any of its departments or bureaus.

Provided, however, that nothing hereinbefore shall prevent any of the aforesaid work to be performed under contract as may be by this charter provided. Provided, also that any work performed by the aforesaid bureau for any other department or bureau, the cost of such work shall be paid by said department or bureau out of the funds and moneys of such department or bureau for which such work may be performed.

The said bureau shall inspect and report the progress of all work performed under contract in the construction and repair of public improvements, unless otherwise herein provided, in such manner and at such times as in this charter and enactments in pursuance thereof may be provided for.

Bureau of Bridges.

Composition.—Sec. 329. The bureau of bridges shall be composed of the said commissioner and such other persons, as the council, by an administrative ordinance, shall provide and at such compensation as it shall fix.

Duties.—Sec. 330. The said bureau shall have charge of the construction, care and repair of the bridges of such city, and shall perform such other duties as may be imposed upon it by this charter or enactments in pursuance thereof.

Bureau of Sanitation.

Composition.—Sec. 331. The commissioner of public works shall be the head of the bureau of sanitation, which shall be composed of the following persons:

A superintendent, who shall be a sanitary engineer, and such other employes as the council, by an administrative ordinance may provide and at such compensation as it shall fix; all of whom shall be appointed or employed, as the case may be, by said commissioner.

Duties.—Sec. 332. The said bureau of sanitation shall have charge of the cleaning of all streets, alleys, lanes, parkways, boulevards, sewers and other public places, except parks, sidewalks, bridges; the sprinkling of streets, parkways, boulevards and other public places except parks; the collection and disposition of garbage, refuse, and other deleterious substances; and the collection, removal and disposal of all such material, refuse or substance for which the council may provide. It shall have charge of the public dumps; the operation and maintenance of any reduction plants and other plants or places for the disposition of any material, refuse or substance for which the council shall provide. Likewise, it shall perform and do such other services and duties as the council may impose on it.

Bureau of General Administration.

Composition.—Sec. 333. The bureau of general administration shall be under the direction of the said commissioner and shall be composed of the following persons:

A chief clerk and such other employes as the council shall, by an administrative ordinance, provide and at such compensation as it shall fix.

Duties.—Sec. 334. Such bureau shall have charge of all the accounting and fiscal operations of the said department and shall have such other powers

and duties as the council shall, by an administrative ordinance, grant and impose.

Bureau of Corrections.

Workhouse.

Administration.—Sec. 335. In the management and administration of the bureau of corrections or workhouse, the commissioner of public works shall adopt such rules with the approval of the council by an administrative ordinance, for the regulation and discipline thereof, and likewise, such by-laws, rules and regulations for the management and government thereof, and for the prisoners therein confined, as he may deem necessary. Such commissioner shall, in the manner provided by this charter, make requisition for such machinery, tools and raw materials for use therein as may be necessary and proper, and shall sell through the purchasing agent all goods and products of made or manufactured by the prisoners in said workhouse. All moneys received by said agent from such sale and all moneys received for board of prisoners shall be deposited with the commissioner of finance to the credit of the workhouse fund.

Employes.—Sec. 336. Said commissioner shall appoint, subject to the provisions of this charter, a superintendent and such subordinate officers, guards and employes as the council, by an administrative ordinance, shall provide for the proper management and discipline of said workhouse, and at such salaries and wages as it shall fix. Said employes shall be commissioned as special police officers.

Superintendent.—Sec. 337. The superintendent of said workhouse shall be the executive officer thereof and shall be responsible to the commissioner of public works for the discipline thereof and for the enforcement of all laws, ordinances, rules and regulations relating thereto. He shall reside at said workhouse, devote his entire time to the business thereof, examine into the condition and management of every department thereof and of each prisoner therein confined, daily.

Diminution of sentences.—Sec. 338. It shall be the duty of the commissioner of public works to provide and keep a book in which shall be entered a record of all infractions of the published rules and discipline of the said workhouse, with the name of the convict offending, and the date and character of each offense, and every convict who shall have been sentenced for a term of one (1) or more years, who shall, at the end of the first (1st) month of his imprisonment, have no infraction of the discipline of the prison recorded against him, shall, for the first (1st)month be entitled to a diminution of two (2) days from the term of his sentence; and if at the end of the second month, no infraction of the rules is recorded against him, four (4) additional days of dimunition from the sentence; and if he shall continue to have no such record against him for the third (3rd) month, his time of sentence shall be shortened six (6) additional days; and if he shall so continue for the subsequent months, he shall be entitled to six (6) days' diminution of time from his sentence for each month he shall so continue his good behavior; and if any convict shall so pass the whole term of his service, or the remainder of his sentence after the adoption of this charter (providing he shall have the term of one [1] year yet to serve), he shall be entitled to a certificate thereof from such commissioner, and shall be entitled to a restoration of his rights of citizenship, which may have been forfeited by his conviction; and it shall be the duty of the commissioner of public works to discharge such convict from the workhouse when he shall have served out the time of his sentence, less the number of days he may have been entitled to have deducted therefrom, in the same manner as if no deduction had been made; provided, that if such convict shall be guilty of a violation of any of the printed and published rules of the workhouse, after he shall, as provided in this chapter, have become entitled to a diminution of his time of service to which he has been sentenced, the commissioner shall have the power to deprive, at his discretion, such convict of a portion or all (according to the flagrance of the violation of dis-

cipline), of the diminution of the term of sentence to which he had been previously entitled by this chapter.

It shall be the duty of the commissioner of public works to keep a record containing the name of each prisoner confined in the workhouse, the nature of the offense for which he was committed, the date when he was committed, the penalty imposed by the Court at the time of his commitment, the date of his discharge and the reason therefor, which record shall be a public record.

Sentence to workhouse.—Sec. 339. It shall be the duty of any court judge or justice of the peace in the County of Ramsey, in the sentence of any person convicted of an offense, punishable by imprisonment in the common jail of Ramsey county, to sentence such person to be confined in the said workhouse, there to be received, kept and employed, according to law, under the rules and regulations of said workhouse; and it shall be the duty of all officers having the execution of the final process of any court or justice of the peace sentencing convicted persons to said workhouse, to cause such criminals to be conveyed forthwith to said workhouse.

Escapes.—Sec. 340. Any person lawfully committed to said workhouse, who shall escape therefrom, or break the same with intent to escape therefrom, or who shall attempt by force or violence or in any other way, to escape from said workhouse, whether such escape be effected or not, shall, upon conviction thereof before the municipal court of said city be punished by confinement in said workhouse, for a term not exceeding double the term for which such person was so sentenced, to commence from and after the expiration of his or her former sentence.

Agreements with county board.—Sec. 341. The county commissioners of any organized county of the state of Minnesota shall have full power and authority to enter into an agreement with the council of the City of St. Paul, or with any authorized agent or officer in behalf of said city, to receive and keep in the St. Paul workhouse any person or persons over sixteen years of age, who may be sentenced to confinement by any court or justice of the peace in any of said counties, for any term not less than sixty days. Whenever such agreement shall have been made, to give public notice thereof in some newspaper published within said county, if there be one, and in case no newspaper is published within said county, then such notice shall be published in some newspaper published in the City of St. Paul for a period of four weeks, and such notice, shall state the period of time for which such agreement shall remain in force.

Effect of such agreement.—Sec. 342. In every county having such agreement with the said City of St. Paul, it shall be the duty of every court, police justice, justice of the peace or other magistrate, by whom any person over sixteen years of age, for any crime or misdemeaner not punishable by imprisonment in the state prison, may be sentenced for any term not less than sixty days, to sentence such person, if over sixteen years of age to the workhouse in the City of St. Paul, there to be received, kept and employed in the manner prescribed by law, and the rules and discipline of the said workhouse; and it shall be the duty of any such court, police justice, justice of the peace or other magistrate, by a warrant of commitment duly issued by the court, justice or magistrate declaring such sentence, to cause such person so sentenced, to be forthwith conveyed by some proper officer, to said workhouse.

Duty of sheriff, etc.—Sec. 343. It shall be the duty of the sheriff, constable or other officer in and for any county having such agreement with said City of St. Paul to whom any warrant or commitment for that purpose may be directed, by any court or magistrate in such county, to convey such person, so sentenced to the said workhouse in the City of St. Paul, and there deliver such person to the keeper or other proper officer of said workhouse, whose duty it shall be to receive such person so sentenced, and safely to keep and employ such person for the term mentioned in the warrant or commitment, according to the laws of said workhouse; and the officer thus conveying and so delivering the person or persons so sentenced, shall be allowed such fees or compensation therefor as shall be prescribed or allowed by the board of

commissioners for the county in which such prisoners shall have been convicted.

Compensation for care of prisoners.—Sec. 344. That for the board, confinement and maintenance of all prisoners received in the St. Paul workhouse from any county, with which the City of St. Paul has a contract to receive such prisoners, and from the County of Ramsey, such compensation may be charged and received by the commissioner of public works, from the counties in which said prisoners were convicted as may be agreed; but in no event shall the price or sum for the board or maintenance of any prisoner exceed $1.50 per week.

Compensation of sheriff for board of prisoners.—Sec. 345. That after the adoption of this chapter no greater or other sum than $1.50 per week shall be paid by the City of St. Paul to the sheriff of Ramsey county for the board of any prisoner sentenced by or held under any process or warrant issued out of the municipal court of said City of St. Paul, which sum shall be in full for all charges and expenses for the commitment as well as the board of such prisoners.

Powers and Duties of Commissioner—General Provisions.

Appointments of commissioners.—Sec. 346. The said commissioner shall appoint only such persons to be chief engineer and such other engineers, surveyors, and other skilled employes in the bureau of engineers; and such persons as superintendent of construction and repairs, and other skilled employes of said bureau of construction and repairs, and such persons as superintendent of sanitation and other skilled employes in the said bureau of sanitation, and other skilled employes of said department who shall possess and have the qualifications prescribed by the council, by an administrative ordinance. And the said chief engineer, superintendent of construction and repairs, and the superintendent of sanitation shall be appointed only with the consent and approval of the council, by resolution.

General powers and duties.—Sec. 347. The said commissioner of public works shall be ex-officio a member of the water board and shall be responsible for all construction work and repairs, except buildings, in connection with said water board. He shall have charge of all engineering and surveying work of the city or any of its departments. He shall keep or cause to be kept a complete official and public record of all work of his department and in his office, and shall record notes, maps, plats, and other data made, prepared or secured by said department or its employes shall be the property of said city. He may transfer any employe temporarily from one bureau to another, or require any employe of one bureau to perform duties for another.

He shall have charge and direction of all municipal quarries, works, and other facilities for the construction and laying of macadam, asphalt and other kinds of paving material; cement works, gravel pits and other works for the making of cement stone or blocks, tile or other artificial stone for sidewalks or any other material used in the construction of repair work to be done by said commissioner, or the water board, or any other department or bureau of said city; any and all apparatus, works or facilities for the cleaning, repairing, constructing, sprinkling, any sewer, street, alley, or other public highway, or bridge, and the collection of and disposal of any garbage, or other waste material.

He shall grant such permits or privileges in the streets, alleys and other public places as the council by ordinance, shall authorize him to grant and upon such conditions as it may prescribe, and supervise the exercise thereof.

He shall perform such other duties and exercise such other powers as the council may grant and prescribe.

Sec. 348. No employe or officer of said department shall, during such hours of his employment, perform any service or do any work, except for the said department or the city. No engineer, surveyor or other skilled officer or employe, shall at any time perform any service for compensation or gratuity or reward for any other person or persons, but shall give and devote all his efforts and time to said department and the city.

Rules and regulations.—Sec. 349. The said commissioner shall have the power, subject to the approval by the council, by an administrative ordinance to make such rules and regulations for the government of the said department or any of the bureaus thereof as the said commissioner may deem necessary and wise.

Sec. 349[a]. Said commissioner of public works shall prepare plans, specifications and estimates for all work provided for in this chapter and the chapter of this charter on local improvements (Chapter XIV) and said plans shall be approved by the council before any work shall be done under them. After any such improvement has been ordered, said council shall cause bids to be received therefor on the basis of said contractor furnishing all labor and material for said work for a specified sum; also on the basis of a force account, said contractor to receive a certain percentage of cost price for carrying on the work. Said council may let said contract as it may see fit or it may reject all bids and order said commissioner of public works to secure the necessary material through the purchasing agent provided for in this charter, and perform said work by day labor. In either case said work shall be paid for as this charter provided and said commissioner shall have general charge thereof. The council shall by proper ordinance give effect to this section.

CHAPTER XVIII.

Department of Public Safety.

Composition.—Sec. 350. There is hereby created a department of public safety which shall be composed of the bureaus of police, of fire protection, of health, of police and fire alarm telegraph, and of general administration, and subject to the charter and enactments in pursuance thereof, the same shall be under the full and complete control, direction and management of the commissioner of public safety.

Commissioner's powers and duties.—Sec. 351. Upon recommendation of the said commissioner the council shall pass an administrative ordinance defining and creating in detail the organization and arrangement of the department and each and every bureau thereof, covering the transaction of the business thereof and of each bureau, and rules and regulations for the management and government of the department and each and every bureau thereof, defining the powers and duties of all officers and employes of said department and its bureaus subordinate to the said commissioner, provided that the same shall be subject to the provisions of this charter and any ordinance enacted in pursuance thereof, and provided further that nothing therein shall prevent the said commissioner from using the officers and employes of one bureau temporarily for work in another, or the performance of work connected with the city business which the said commissioner may direct them to perform. It is hereby declared to be the intent of this charter that all administrative details remain and be in the hands of the said commissioner so that he may secure the best results from his subordinates.

Appointments, etc.—Sec. 352. Subject to the charter and enactments in pursuance thereof, the said commissioner shall have the power to appoint, promote, suspend, reprimand, dismiss and otherwise punish any officer or employe of said department or its bureaus, and also to require a bond therefrom and prescribe the conditions thereof.

Hearings.—Sec. 352[a]. The said commissioner may conduct any inquiry relating to the business of his department or the conduct of any officer or employe of his department relative to the performance of his duty and shall have the power to summon and compel the attendance of witnesses, the production of books, papers or other documentary evidence; to examine the same under oath, and to administer oaths.

Police and fire districts.—Sec. 353. The said commissioner shall recommend and the council by an administrative ordinance may establish and provide for the erection, equipment and maintenance of such police and fire districts, precincts, stations and sub-stations, as may be necessary for the proper conduct of the department, and shall provide for equipment and maintenance of a police ambulance.

Custody of property.—Sec. 354. All property of every description whatever belonging to and under the control of the said department or its bureaus shall be in the custody of and under the control of the said commissioner, who shall be responsible for its safe-keeping. Subject to the charter and ordinances pursuant thereto, the council, upon recommendation of the said commissioner, shall by an administrative ordinance, provide and prescribe rules and regulations for the care, custody, preservation, acquisition, control, management and alienation of all property belonging to the said department or its bureaus.

Injuries and death in service.—Sec. 355. On the recommendation of the said commissioner, the council may provide for and allow to any fireman, policeman, or other employe of the bureau of police, fire protection, and police and fire alarm telegraph injured in actual service and in the performance of his duty, such compensation or pay and for such period as it may deem proper. And, in all cases where any of the aforesaid persons, while in the performance of his duty shall be killed or so injured that death shall result therefrom within one year from the time of such injury, then the council may provide for the payment to the widow, minor children or any next of kin wholly dependent on such deceased for support a sum not to exceed $40 per month for the widow and minor children until the youngest of said minor children shall reach the age of sixteen years, then $30 per month to the widow while she shall remain a resident of Minnesota and remain unmarried. If there be no widow surviving, then each minor child, if any, shall receive $15 per month until said child reaches the age of eighteen years, when said payments shall cease; provided, however, that in all cases of injury or death the parties affected thereby and to whom money shall be paid, shall, before the same is paid, execute a good and sufficient release discharging the city from any and all liability.

Bureau of Police.

Composition.—Sec. 356. The said commissioner shall ex-officio be the chief of police and peace officer of the city, and subject to the charter and enactments in pursuance thereof, shall appoint the officers and employes hereinafter named, who shall constitute and be the bureau of police:

A chief of police, at a salary not to exceed $4,000.00 per annum and for a term of two years from and after his appointment and until his successor is appointed.

A license inspector, at a salary to be fixed by the council, and for a term of two years from and after his appointment and until his successor is appointed, provided, however, that the two appointments above shall be made with the approval of the council.

Such captains, lieutenants, detectives, patrolmen and such other employes as the council, by an administrative ordinance, shall provide including one or more women to be detailed for special work as police officers, and at such compensation as it shall fix, provided, however, that there shall be no more than one lieutenant and two sergeants for each police station.

Such surgeons and other employes and at such compensation as the council shall likewise provide and prescribe for the maintenance and operation of a police ambulance.

Such special policemen and watchmen, who shall serve without pay and who shall have all the authority conferred upon policemen in the regular service and who shall be subject to all the rules and regulations prescribed for such special policemen and watchmen and who shall not be subject to the civil service provisions of this charter.

Powers of police.—Sec. 357. The chief of police and all members of bureau of police shall possess the power of constables at common law and

such powers conferred by statutes of this state, and shall have power to pursue and arrest any person fleeing from justice in any part of the state; provided, however, that no members of the said bureau of police shall go outside the limits of the city in pursuit of any offender or to execute any warrant or process except in cases where an offense is committed within the said city.

All councilmen, the mayor, and all members of the bureau of police shall be officers of the peace and may command peace, suppress in a summary manner all rioting and disorderly conduct within the limits of the city, and for such purpose may command the assistance of all bystanders, and if necessary of all citizens and all companies of the National Guard of Minnesota; and if any citizen, bystander, military officer or private of said Guard shall refuse when so required to maintain the peace, such person shall forfeit and pay a fine of fifty ($50.00) dollars. In cases where the military power may be required to suppress riot or disorderly conduct, or preserve the peace, the mayor, a commissioner, a lieutenant or superior officer of the police force, if present, shall direct all proceedings, and if none such is present, then the superior military officer present shall direct all proceedings.

Municipal Court Officers.—Sec. 358. All powers conferred upon the mayor and the police force by general or special law relating to the Municipal Court, are hereby conferred upon and imposed upon the commissioner of public safety and the bureau of police.

License inspector.—Sec. 359. Except as otherwise provided by law and this charter the license inspector, under the direction and control, of the said commissioner, shall enforce all payments of all licenses, moneys payable to said city and report all violations of license laws.

Eligibility.—Sec. 360. No person shall be appointed a police officer who is not an elector of the city under thirty-five years of age, able to read and write and speak English, and who is not in good health and physique as established by a physical examination, but this condition shall not apply to the chief of police, detectives, special policemen and watchmen, women officers as above authorized, matrons and license inspector or bailiffs of Municipal Court.

General duties.—Sec. 361. It shall be the duty of the said commissioner and the bureau of police:—

A. To enforce all the laws of the State of Minnesota and the ordinances of the city and arrest violators thereof.

B. Report the condition of all public lights and sidewalks and any violation of the health and sanitary laws and ordinances as well as of the rules and regulations of the bureau of health.

C. Report all injuries to persons and property occurring through accident or otherwise upon the streets, alleys and public places within the city, and all facts relating thereto.

D. Report all materials or debris carelessly or wilfully left in the public streets, alleys and public places which will in any way impede public travel or cause any expense to the city for the removal thereof.

Disposition of weapons.—Sec. 362. The commissioner aforesaid, subject to the provisions of this charter, may provide for the sale, destruction or other disposition of all weapons, apparatus, implements, and other articles used in the commission of crime or coming into the custody of said bureau; provided, however, that where such may be used as evidence in either a civil or criminal proceeding, the same shall in no way be disposed of except upon a written order of a court of record.

Lost or stolen property.—Sec. 363. Where lost or stolen property shall come into the hands of said bureau, and be not claimed, identified, or the true owner be not found, then the said commissioner shall cause the same to be sold by the purchasing agent after ten (10) days' notice of such sale in the official paper, and the proceeds therefrom shall be deposited in the treasury of said city to the credit of said bureau.

Sec. 364. Said commissioner shall detail at the request of the county attorney of Ramsey county one or more members of said police bureau to work under the direction of said county attorney, and while so engaged they shall be paid by the county.

Gratuities.—Sec. 365. Any member of the bureau of police who shall accept from any person, while in custody or after he shall have been discharged, or from any of said person's friends or from any person any gratuity, reward or description of drink; or who shall receive from any person without the written consent of the said commissioner any reward for the arrest of any person or the recovery of any goods, or money compensation for injuries sustained, shall be guilty of a misdemeanor and shall be removed from such service and otherwise punished. Such permission shall be and constitute a permanent public record.

Park police.—Sec. 366. Nothing herein contained shall be deemed to give the commissioner of public safety or the bureau of police any jurisdiction over the police organized and maintained by the department of parks, playgrounds and public buildings.

Bureau of fire protection.—Sec. 367. The said commissioner of public safety shall be ex-officio fire marshal and head of the bureau of fire protection, and subject to the charter and enactments in pursuance thereof, shall name and appoint the officers and employes hereinafter named, who shall be and constitute the bureau of fire protection:

A fire chief for a term of two years from and after his appointment and until his successor is appointed and at an annual salary not to exceed four thousand ($4,000.00) dollars; the appointment of said chief shall be subject to confirmation by the city council.

Such battalion chiefs, captains, lieutenants, engineers, and other employes and until his successor is appointed, and at an annual salary not to exceed two thousand ($2,000.00) dollars a year.

Such battalion chiefs, captains, lieutenants, engineers, and other employes as the council, by an administrative ordinance, shall provide and at such compensation as it shall fix.

Police powers.—Sec. 368. When acting under the direction of the said commissioner, or any officer of the bureau of fire protection, or when engaged in any duty imposed by this charter or enactments in pursuance thereof, or in actual service of fire prevention and fire extinguishment, all firemen and employes of said bureau shall have the power of policemen, provided, however, that all officers of the bureau shall at all times have such powers.

Fire chief—Powers.—Sec. 369. The fire chief or the superior officer of the bureau present shall have full control of all persons present at fires and shall have power, if need be, to summon any and all persons present to aid in extinguishing any fire, to remove personal property from any burning structure and in guarding the same, and any person refusing so to do shall be guilty of a misdemeanor. Such person shall also have power to order or cause the removal or destruction of any building, structure or obstruction for the purpose of checking or extinguishing any fire.

Eligibility.—Sec. 370. No person shall be appointed a fireman unless he possess the same qualifications as herein required for policemen; provided, however, that this shall not apply to the chief, assistant chief or other positions requiring a technical knowledge.

Additional duties.—Sec. 371. The council by ordinance may impose further powers and duties on the bureau of fire protection, any of its officers and employes.

Bureau of Health.

Composition.—Sec. 372. The commissioner of public safety shall ex-officio be the chief health officer of the city, and subject to the charter and enactments in pursuance thereof, shall appoint the officers and employes hereinafter named, who shall be and constitute the bureau of health.

A health officer, who shall be a duly licensed physician of not less than five years' practice, and at a salary not to exceed four thousand ($4,000.00) dollars per annum.

A deputy health officer, who shall be a duly licensed physician of not less than three years' practice, and at a salary not to exceed two thousand five hundred ($2,500.00) dollars per annum.

Both of the above officers shall be appointed with the consent of the council, and each shall hold office for a term of two years from and after their appointment and until their successors are appointed.

Such other officers, physicians, inspectors, assistants and other employes as the council, by an administrative ordinance, may provide and at such compensation as it shall fix.

General health powers.—Sec. 373. The council on recommendation of the said commissioner shall, by ordinance, give the said commissioner and said health officer such powers and impose upon them such duties as will enable them fully to protect the public health and the sanitary condition of the city. Such health officer shall also be the sanitary adviser of all city officers. Said commissioner, by and through the bureau of health shall have the power of abating any nuisance upon such notice and by such methods as the council, by ordinance shall prescribe; shall have the power of controlling or taking measures to control all contagious, infectious diseases within said city; to placard all infected houses and buildings; shall have full charge of such smallpox or detention hospitals as said city may establish or has established; and in case of pestilence or epidemic, actual or impending, take such measure as he may in good faith deem necessary to insure the public health or safety. Said commissioner shall take such measures as in the opinion of the health officer may be necessary to prevent the spread of smallpox or other contagious and infectious disease; he shall have the power to quarantine, placard and disinfect any house or building or order it to be done; close the same until so disinfected; and subject to the approval of the council, he may order all boats, trains, and other conveyances bringing persons or goods to the city to be quarantined and compel persons or corporations operating the same to take such steps as may be necessary to protect the public health. It shall be the duty of said commissioner to see to it that all persons so quarantined shall receive proper medical attendance, nursing, food, and quarters; shall decide upon the advice of the health officer when persons so quarantined shall be discharged therefrom and what precautions shall be taken before their discharge for the protection of the public health; and shall keep at such quarantine such police force necessary to enforce the orders of said commissioner and the health officer. Said commissioner with the approval of the council shall have power to establish, equip and maintain such quarantine stations, hospitals and other buildings as may be necessary for the preservation of the public health. He shall provide proper blanks and forms for all returns and data for vital statistics, and shall secure a proper registry of births, deaths and other necessary statistics within said city. He shall cause to be vaccinated free of charge and give certificates thereof to all persons applying therefor. Said commissioner shall hve the power of abating and correcting any condition considered by said health officer to be detrimental to the public health and the sanitary condition of the city. He shall enforce all state laws relating to the public health and shall have full sanitary control of all places and institutions within the city and may require from all persons in administrative control of hospitals, asylums, dispensaries, prisons, schools, theaters and other places of amusement or recreation to make such reports as may aid in making safer the public health. It is hereby made the duty of every physician and midwife within said city to report, in such manner as the commissioner may direct, all births and with such other facts deemed pertinent by said commissioner, and all physicians shall register and report in such form as may be prescribed by said commissioners, all deaths of which he has knowledge, within twenty-four hours after he has learned of said deaths. The coroner shall report to the said commissioner within forty-eight hours after it is completed the result of any inquest. All physicians shall report in such manner as the said commissioner shall direct all cases of contagious diseases. Said commissioner with the approval of the council shall

make such regulations and rules as may be necessary for the interment and removal of all dead bodies. Said commissioner shall have jurisdiction over all lakes and water courses in Ramsey county to the same extent as though located within the city.

The council by proper ordinances shall make effective and define in detail all powers and duties hereinbefore imposed and granted, and such other powers and duties as may be necessary to conserve the public health.

All persons whatever violating the provisions of the charter or ordinances enacted in pursuance thereof, all rules and regulations of the bureau of health concerning the public health and sanitation, or who shall interfere with any health officer in the performance of his duties shall be guilty of a misdemeanor and shall be subject to a fine not to exceed one hundred ($100.00) dollars or imprisonment not to exceed ninety (90) days, or both.

Removing nuisances.—Sec. 374. The council, by ordinance, may empower the said commissioner to remove and abate or cause the same to be removed or abated, any nuisance, any substance, matter, omission or thing, which said commissioner may regard as dangerous to the health or as impairing the sanitary condition or good order of the city, being or lying in any street, alley, water, excavation, building, erection, place, lot or grounds and may designate a place to which the same may be removed. He shall serve a notice on the owner, occupant or agent of any lot, building or premises aforesaid ordering the things aforesaid to be removed therefrom within such time as the council shall by ordinance prescribe, and that in case of non-compliance the same will be done by the said commissioner at the expense of the owner of said premises. The said commissioner shall after such time has expired proceed to remove such things aforesaid, determine the cost thereof, charge the owner and the premises therewith and not later than the 1st day of October of each year certify to the County Auditor the amounts so charged against such premises, lots and places together with a description of the premises and the supposed owner thereof as nearly as practicable, and such charge shall be collected and collection enforced in the same manner as taxes against the said premises. Such charges shall be a perpetual lien on said premises until paid. Provided, however, that where no owner, occupant or agent can be found or the same is unknown, then said commissioner may proceed without such notice.

Employes—Policemen.—Sec. 375. Every officer and employe of the bureau of health, in the performance of any duty imposed by law, this charter, ordinances in pursuance thereof, or any order or direction of the commissioner or the health officer shall have and be vested with all the powers of a policeman.

Public Baths.

In charge.—Sec. 376. The commissioner of public safety, as chief health officer of the city, shall manage, control and supervise the public baths on Harriet Island and the grounds, buildings and institutions connected therewith and adjacent thereto.

Appoint employes.—Sec. 377. He shall appoint and remove, subject to the charter and ordinance in pursuance thereof, all such assistants and employes and at such compensation as the council by an administrative ordinance shall provide and prescribe.

Rules.—Sec. 378. With the consent of the council, by administrative ordinance, he shall make and enforce rules and regulations to govern the use of such baths and the buildings and grounds appertaining thereto.

Food Inspection—Hotels and Restaurants.

Sec. 379. The commissioner of public safety shall administer and enforce all laws and ordinances relating to the inspection of milk, meats and other food substances, and also all laws and ordinances relating to the inspection of hotels and restaurants, tenements and lodging houses. The council shall have power by ordinance to make effective the duties in this section prescribed,

and to compel by proper penalties all dealers to conform to such regulations as shall fully protect the public health.

Public Comfort Stations.

Sec. 380. The commissioner of public safety shall supervise and control the maintenance and operation of all public comfort stations; appoint and remove all such attendants and employees therefor as the council by an administrative ordinance may provide and at such compensations as it may prescribe, and with the consent of the council make, prescribe and enforce all rules and regulations for the orderly public use thereof.

Bureau of Police and Fire Alarm Telegraph.

Composition.—Sec. 381. The said commissioner of public safety shall be the head and in full charge and control of the bureau of police and fire alarm telegraph, and which shall be composed as follows:

A superintendent of the said bureau, who shall possess such qualifications as the council shall prescribe, and at such compensation as it shall fix, and such other employes, operators, linemen as the council shall provide and at such compensation as it shall determine; all of whom are to be appointed in accordance wtih the provisions of the charter and enactments in pursuance thereof.

Powers and duties.—Sec. 382. The said bureau shall have full charge, management and control of the construction, maintenance and operation of the telegraph, telephone and alarm systems of the department of public safety, and shall have such powers and duties as the council by administrative ordinance shall provide and prescribe.

Bureau of General Administration.

Composition.—Sec. 383. The said commissioner of public safety shall be the head of the bureau of general administration, which shall be composed as follows:

A chief clerk, and such accountants, clerks, and other employes as the council by an administrative ordinance may provide, of such qualifications as it shall prescribe and at such compensation as it shall fix, and all of whom shall be appointed by the commissioner aforesaid in accordance with the charter.

Powers and duties.—Sec. 384. Such bureau shall have charge of all the accounting and fiscal operations of the aforesaid department and shall have such other powers and duties as the council by an administrative ordinance shall grant and prescribe.

CHAPTER XIX.

Commissioner of Education.

To establish and maintain schools.—Sec. 385. Under the direction and control of the council, the commissioner of education shall establish, control, maintain and provide for the public schools, the public school system and the general educational interests of the City of St. Paul as a special school district, and shall manage and control the property, real and personal, belonging to said city which is used for the purposes of education, subject only to the provisions and limitations provided for in this charter.

Powers of Commissioner.—Sec. 386. Under the direction and control of the council the commissioner of education shall have power to establish, control and maintain kindergartens, grade schools, high schools, manual training schools, evening schools, a training school for the teachers, truant schools and such other schools as may from time to time be necessary to establish.

Unler the direction and control of said council, said commissioner shall appoint supervisors, principals, teachers, one or more medical inspectors and nurses, one or more truant officers, janitors, engineers, firemen, and such other employes as may be necessary for the proper conduct and maintenance of said schools and of said real and personal property of said district.

Under the direction and control of said council, said commissioner shall prescribe text books and courses of study, purchase or arrange for the purchase of text books and provide for the loan thereof to needy pupils or for the sale thereof at cost, and may change text books whenever deemed necessary for the best interests of the school, subject to the limitations and provisions of this charter.

Shall make rules and fix duties and salaries.—Sec. 387. It shall be the duty of said commissioner to prepare in the form of an ordinance rules and regulations for the proper transaction of the business of the schools, defining the duties of its officers and employes and fixing the number, titles and compensation of said employes, and for the proper execution of all powers vested in and duties imposed upon said commissioner by this charter. As soon as he shall have prepared said ordinance he shall present it to the council, and said council shall pass said ordinance after having amended it as it may see fit.

Inspectors shall turn over school to commissioner.—Sec. 388. As soon as the first commissioner of education provided for in this charter is selected and qualified the board of school inspectors of the City of St. Paul shall turn over to said commissioner all the property, books, records and documents in their hands, and thereupon said commissioner shall succeed to all rights, powers and duties of said board of school inspectors subject to the provisions of this charter, and all lawful contracts and agreements entered into and all obligations legally incurred by said board of school inspectors, shall be in all respects the contracts, agreements and obligations of the said commissioner of education subject to the provisions of this charter. The terms "special school district" or "school district" whenever used in this charter shall be constructed to be identical with the terms "independent school district" and "school district of the City of St. Paul," whenever said terms are used in any previous charter of law.

Shall appoint a superintendent.—Sec. 389. Subject to the approval of the council said commissioner shall appoint a superintendent of schools who shall be a graduate in good standing of a university or college of educational standard equal to the University of Minnesota, and who shall have devoted the five years immediately preceding his appointment to teaching or to the management of public schools. He shall receive a salary of $5,000 a year payable out of the school funds of the city in equal monthly installments. His term of office shall be two years and until his successor is appointed and has qualified.

Appointment of assistants, office employes and teachers.—Sec. 390. On nomination by said superintendent, said commissioner of education shall appoint all assistants to said superintendents, all office assistants to said superintendents, all principals and all teachers in the public schools, all of whom shall be subject to removal by said commissioner on his own motion or on the complaint of said superintendent, by the mayor or by a two-thirds vote of the members elected to the council. Provided that, however removed, the officer making the removal shall state specific reasons therefor in writing and the person removed shall have an opportunity to reply in writing, and both reasons and reply shall become permanent public records of the office of the commissioner of education. All teachers and supervisors and assistants to the superintendent, other than office assistants doing clerical work, shall meet the qualifications required by the State of Minnesota for teachers of like grades in other public schools. It is the intent of this charter that unless removed for cause as above such teachers and assistants once appointed shall serve during efficiency and good behavior. The council may provide for probationary appointment previous to regular appointment, during which time the teacher or supervisor or assistant shall be subject to removal at the pleasure of the commissioner of education.

Superintendent of school buildings.—Sec. 391. Said commissioner of education shall appoint a superintendent of school buildings who shall have a practical knowledge of architecture, building, lighting, heating, ventilation, plumbing, and the machinery used for said purposes. He shall receive an annual salary of $2,500 payable from the school funds of said city in equal monthly installments.

To appoint other employes.—Sec. 392. Said commissioner of education shall appoint all janitors, assistant janitors, engineers, caretakers, laborers, mechanics and artisans of all description, necessarily employed in the care of school buildings and grounds. In fixing the compensation of said employes the council shall see that it is not in excess of the union scale of wages paid by private employers for like services. The working day for each and all of said employes shall be eight hours, and except in cases of emergency, of which said commissioner of education shall be sole judge, none of said employes shall be required to work overtime, or shall receive any additional compensation for extra work.

Rules for teachers.—Sec. 393. Said commissioner shall cause to be prepared a complete code of specific rules governing the appointment of all teachers and principals in the schools, their examinations and other tests of fitness, their promotions, their work of teaching and administration of the schools. He shall submit said code in the form of an ordinance to the council, and said council shall examine and if necessary revise and amend said code, and when in suitable form shall adopt said ordinance. After its adoption said code shall be strictly followed in all business of said school to which it applies. Said ordinance shall be amended only in the manner in which it was originally adopted. Provided that the standard of education and practice required for teachers in said schools shall not fall below the standards set by the state department of education for similar schools elsewhere in Minnesota, nor below the best standards of other cities of the first class in Minnesota.

School revenue; limitation of cost of schools.—Sec. 394. Subject to the provisions of this charter and the laws of the state the council shall have power to levy and collect general property taxes or other revenues and to appropriate money for the support of said schools, provided that the whole amount appropriated by said council for all purposed whatsoever connected with the public schools shall not in any one year amount to a greater sum than $6 for each inhabitant of the City of St. Paul. In determining the number of said inhabitant the figures of the last United States census of population of the City of St. Paul shall be taken as a basis, and for every year which has elapsed since the last United States census have been taken to the year in which said appropriations are made by said council, there shall be added to the census figures one-tenth of the difference between the United States census figures for the last census year and the United States census figures taken next previous to that census. Provided further that the qualified voters of St. Paul by a three-fifths affirmative majority of all the votes cast upon the proposition may at any time appropriate any amount in addition to said limitation to be used for permanent buildings for said schools.

Shall keep records.—Sec. 395. It shall be the duty of the commissioner of education to keep or cause to be kept complete records of all attendance in the public schools with the names, ages, sex, places of residence, grade, etc., of all pupils attending said public schools, and a complete record of all teachers and principals in said school with all essential facts as to qualifications, terms of service, assignments, efficiency, salaries, promotions, and such other facts as the council may prescribe, and to report within thirty days of the end of each school semester a summary in writing of all these facts to the comptroller and to the mayor. He shall also keep or cause to be kept a complete and comprehensive record of all business transacted in connection with the public schools of said city, and the moneys received and disbursed in connection therewith, and all other essential facts, and shall report within thirty days after the close of each semester a summary of these facts for the semester just closed, to the comptroller and to the mayor. Said reports shall be made in such form as the comptroller may prescribe, and said commis-

sioner shall attach to said report for the closing semester of each school year estimates in such form as the comptroller may prescribe, of necessary expenses for the next succeeding year with definite recommendations in detail as to the objects for which the money shall be spent.

To secure supplies and other property.—Sec. 396. Said commissioner shall procure supplies and equipment for said schools, and acquire sites for school buildings, and cause repairs to be made in such manner as this charter may provide, or the council under the authority of this charter may designate.

For care of truants.—Sec. 397. The council shall by ordinance on recommendation of said commissioner, make such rules and provisions concerning children previously enrolled upon the registers of the public schools of the City of St. Paul and who have become habitual truants, and who are between the ages of eight and sixteen years as will reasonably tend to compel their attendance at said schools and said council may require, and it shall be the duty of all the police officers of the City of St. Paul to aid in the enforcement and carrying out of such rules and regulations.

Advisory school board.—Sec. 398. Said commissioner of education shall appoint a resident of each ward of the City of St. Paul, more than 21 years of age, an advisory school inspector. Said inspectors shall have the power at all times to attend any and all sessions of the public schools of St. Paul, to observe the work in said schools, and to report to the commissioner of education the needs of the public schools in the ward for which said resident inspector may be appointed. Said advisory inspectors shall be appointed in the June immediately following each regular spring election, and shall serve for two years and without pay. It shall be the duty of said commissioner to call together in advisory session at least once a month in the offices of said commissioner, the whole body of school inspectors so appointed and to advise with them as to the needs of the schools and what may be done for their improvement, and to listen to any complaints, reports or recommendations which they may have to make. Said meetings shall be public. Minutes of said meetings shall be kept by a clerk assigned by said commissioner for said purpose and shall become permanent public records in the office of said commissioner. The powers of said inspectors shall be advisory merely and in visiting the schools they shall not interfere with the work of teachers or pupils therein.

Board of teachers.—Sec. 399. It shall be the duty of the council to provide, by ordinance for the election of a board of teachers of the public schools to consist of not more than twelve, nor less than eight members, elected by secret ballot by the teachers and principals of the public schools. This board of teachers shall be called together by the superintendent of schools from time to time, not less than once a month, to advise with said superintendent and said commissioner upon problems relating to the designation of proper text books, the adoption of course of study and the methods of teaching in the schools of St. Paul. Said meetings shall be public and records thereof kept as public records. Said board of teachers shall have power to pass resolutions and make recommendations upon subjects designated in this paragraph, but it is hereby declared that the adoption of such recommendations shall lie in the discretion of the superintendent of schools and the commissioner of education subject to the action of the council.

Public libraries, museums and galleries of art.—Sec. 400. The commissioner of education shall have the management and control, subject to the action of the council, of all public libraries, reading rooms, museums, and galleries of art, now belonging or hereafter acquired by the City of St. Paul, and of all property set apart for the use or maintenance thereof, and the control and expenditure, subject to the action of the city council, the provisions of this charter and the laws of the state of all moneys levied, collected or received for such purposes.

To appoint librarian.—Sec. 401. Subject to the approval of the council, said commissioner of education shall appoint a librarian at a salary not to exceed $2,500 a year, who shall be a graduate of a university of educational

standards equal to those of the University of Minnesota and who shall when appointed be familiar with library administration and practice. Said librarian shall be the administrative officer of the commissioner of education in conducting public libraries, reading rooms, museums and galleries of art, under the jurisdiction of said commissioner. Said commissioner shall employ all assistants and employes necessary for the administration of said libraries, museums and galleries of art. The number, general duties and compensation of said employes or assistants shall be fixed by ordinance passed by the council on recommendation of said commissioner. Said commissioner shall also appoint such janitors, caretakers and other employes as may be necessary for the care and maintenance of the buildings in which said libraries, museums and galleries of art are housed, but the number and charter of said employes and their salaries shall be fixed by ordinance passed by the council on recommendation of said commissioner.

Shall adopt rules.—Sec. 402. Said commissioner shall prepare and present to the council in the form of an ordinance such rules and regulations as may be necessary or advisable for the administration of said libraries, museums and art galleries, and the properties thereto belonging. The council shall consider, and may amend said ordinance and after putting it into proper form shall pass said ordinance, which shall not be inconsistent with this charter.

May establish branch libraries.—Sec. 403. On recommendation of said commissioner, the council may by ordinance establish and maintain branch libraries, and may by lease purchase or otherwise provide proper rooms or buildings for said branches.

Control of expenditures.—Sec. 404. Subject to the action of the council, said commissioner shall have exclusive control over the expenditure of all moneys provided for the use of said libraries, museums or galleries of art, except as otherwise directed in this charter. He shall have the supervision, custody and care of all grounds and buildings, constructed, set apart, leased or in any other manner secured for the use of said libraries, museums and galleries of art.

Library fund.—Sec. 405. All moneys appropriated, received or collected for the construction, repair of maintenance of public libraries, museums or galleries of art shall be deposited in the treasury of said city in a fund to be known as the "library fund" which is hereby established, and shall be kept separate and apart from all other moneys of said city, and shall be paid out only upon proper vouchers approved and countersigned by said commissioner of education, and for purposes for which such moneys have been appropriated or received. All unexpended balances in said library fund at the end of any year shall remain in said fund and be available in the year following for the purposes for which said fund is intended. On recommendation of said commissioner and under the provisions of this charter the council shall have full power to authorize the purchase in the name of the City of St. Paul of ground, and to cause to be erected thereon a suitable building or buildings, for the use of said library, museum and galleries of art. On recommendation of said commissioner said council shall have power to accept, or in its discretion, decline donations tendered under the provisions of this charter. On recommendation of said commissioner said council shall have power to improve, lease or let any and all property set apart for the use of said library, or otherwise acquired for the purposes herein referred to, upon such terms and conditions as it may deem best, and may authorize said commissioner to deliver leases therefor. It may receive and support subscriptions for the benefit of said library fund.

May finance building.—Sec. 406. For the purpose of providing suitable library building, said council shall have power to authorize a bond for any sum not exceeding one million dollars, provided that before any such issue shall be valid it must be approved by an affirmative vote of the qualified electors of St. Paul voting upon such proposition at a general or a special election. Said bonds may be issued upon the credit of the City of St. Paul or they may be secured by property belonging to said city set apart for library purposes, and said council and said voters may authorize the pledging of said

property for said purpose. The bonds shall be limited to twenty years, shall bear interest at not more than four per cent and shall not be sold below par.

Shall be forever free.—Sec. 407. Every library, reading room, museum and gallery of art established or maintained under this charter shall be forever free to the use of the inhabitants of said city subject to such reasonable rules and regulations as may be prescribed under the authority granted in this charter or by law, and said commissioner of education may exclude from the use of any such places any and all persons who shall violate such rules and regulations. Non-residents may be admitted to the privileges of said libraries upon such conditions as said commissioner may prescribe, subject to approval by the council.

Shall report to council.—Sec. 408. Said commissioner shall submit annually to the council and to the comptroller duplicate reports of the business of said libraries, museum, reading room and galleries of art, as such times and in such form and scope as the council may direct.

Punishment for defacing property.—Sec. 409. The council shall have power to pass ordinance imposing suitable penalties for the punishment of persons committing injury upon such library and other property under the management of said commissioner, and for injury of failure to return any book belonging to said library, or in any manner connected with the use herein provided for.

Council to fix conditions.—Sec. 410. The council by two-thirds vote shall define conditions upon which the city may accept donations of money or other property for the use of said library, museum, or galleries of art, provided that such regulations shall be subject to repeal or amendment in the same manner and provided that all money or property so donated shall remain at all times in the control for the use of and under the direction of the public through its proper officers as designated in this charter.

Advisory board.—Sec. 411. It shall be the duty of said commissioner of education to appoint twelve residents of St. Paul properly qualified for the place, one from each ward of the city, to serve a term of two years from August 1 of each year in which shall be elected a mayor and council, and such persons so appointed in association with the superintendent of the St. Paul schools, the principals of the high schools in the city, and a teacher elected by the whole body of teachers in the St. Paul schools in such a manner as the council may direct, shall act as an advisory library board. The members of said board shall meet at said library with said commissioner of education at least once a month and make such recommendations as they may consider will promote the best interests of said library. Said library, its branches, the art galleries, museums, etc., belonging to the city shall be open at all times to the members of said advisory board for their inspection in such manner as not to interfere with the legitimate work being carried on in these places. The members of said board shall especially be expected to recommend new books, papers and periodicals for said library, and how to make the resources of said library most profitably available to the public. Said recommendations when made by the board as a whole shall be in writing and be a permanent public record in the office of the commissioner of education. Whether said recommendations are acted upon or accepted shall remain in the discretion of said commissioner of education.

May levy taxes for support.—Sec. 412. The council is hereby authorized to levy and collect taxes and appropriate funds necessary for the proper maintenance and support of said library, or libraries, museums, and art galleries.

The auditorium; commissioner of education in charge.—Sec. 413. Under the direction of the council the commissioner of education shall have control, management, and administration of the public auditorium and all property appertaining thereto. With the approval of said council he shall appoint a superintendent to administer said building and property under the direction of said commissioner. Said commissioner shall prepare an ordinance fixing the duties

and compensation of said superintendent and of other necessary employes for this administration of said building and property, and shall present it to the council. Said council after such amendments as it may see fit shall pass ordinance. In the same way an ordinance shall be passed providing rules and regulations for the use of said building.

Auditorium fund.—Sec. 414. There is hereby created an auditorium fund to which shall be credited all moneys heretofore or hereafter appropriated, donated or delivered from the operation of said auditorium, for the use of said auditorium, and to which shall be charged all disbursements on account of said building, and the administration and maintenance thereof and the property appertaining thereto. Said commissioner shall keep account of said fund in such manner as the comptroller may direct. Said fund shall be kept separate and distinct from all other funds of said city. All surplus in said fund at the end of any year after the expenses of operation, maintenance, repair and betterment for the year have been paid, shall be applied to the payment of the principal and interest of any indebtedness outstanding against said auditorium building.

To be self-supporting.—Sec. 415. It shall be the duty of the commissioner of education and of the council so to manage said auditorium building as to make it self-supporting or as nearly so as practicable. Keep this end in view said council shall by ordinance on recommendation of said commissioner fix scales of prices for the use of said auditorium and determine to what uses it shall be devoted, provided that such uses shall always be for the benefit of the public of St. Paul. It is the intention of this charter that distinction shall be made in determining scales of prices between persons who hire the use of the auditorium for gain and those who engage it for gatherings or entertainments for which no admittance fee is charged. In no case shall the amount charged for the use of said building be less than the actual cost of heating, lighting and attendance occasioned by such use. The council may, however, where the use is strictly for the public purpose of benefit to all the people of St. Paul, and where no admittance fee is charged, reimburse from the contingent fund, the Auditorium fund for such expenses, and provide at the time of making such appropriation for reimbursement, that the use of said building shall be free.

May receive subscriptions.—Sec. 416. The council is hereby authorized to receive bequests and donations and to receive and enforce subscriptions for property to be installed in or used in connection with the Auditorium building, or for the establishment or endowment of free lectures, free concerts, or for any other purpose of an educational nature free from sectarianism or political partisanship. It may act as special trustee for and on behalf of the City of St. Paul, may accept and administer any public trust consistent with the purposes of the Auditorium and not involving relinquishment of full control of said property whether in said trust or theretofore belonging to said city, and may maintain separate funds theretofore in the city treasury, subject to the supervision and audit of the comptroller.

Must report annually.—Sec. 417. Said commissioner must each year before March 1 report to the council and to the comptroller, fully upon the business and administration of said auditorium for the next previous year ending December 31. Said report shall be made in such form as the comptroller with the approval of the council may direct, and must contain such matter as said comptroller shall call for.

CHAPTER XX.

Commissioner of Parks, Playgrounds and Public Buildings.

Duties of the commissioner.—Sec. 418. The commissioner of parks, playgrounds and public buildings shall have the management and control under the limitations of this charter of all lands which have been or may be acquired

for parks, parkways or playgrounds other than school playgrounds, within this city. He shall direct all expenditures from the park and playgrounds funds for the maintenance and improvement of parks and parkways and shall have power to provide, either directly or by lease of privileges approved by the council, such conveniences, accommodations and entertainments as he may deem proper for the use, enjoyment or recreation of all persons visiting said parks or parkways or playgrounds.

May acquire lands.—Sec. 419. Said commissioner through the council may from time to time acquire lands in the manner set forth in this charter for the city for the use as parks, parkways or playgrounds. Said commissioner, with the approval of the council may accept or receive donations of money or other property for the use of said city for purposes connected with such parks, parkways or playgrounds, on conditions determined by said council, provided that in the acceptance of such gifts said city shall not relinquish full control for any purpose whatsoever of said property.

May set apart streets.—Sec. 420. The council shall have power to set apart as a parkway any street or avenue or thoroughfare and any section thereof and to place the same under the supervision of said commissioner for purposes consistent with the use of said street, avenue or thoroughfare as a highway, such as said council may direct.

Expenditures from the park fund.—Sec. 421. All expenditures under the direction of said commissioner payment of which is not herein otherwise provided for shall be paid from the park fund not otherwise appropriated, and all moneys received by said commissioner from any source, where not herein otherwise directed, shall be paid into the city treasury to the credit of said fund. Assessments collected for park or parkway purposes shall be set apart and used only for the specific purpose for which they have been collected. All assessments on property owned by the City of St. Paul shall be paid out of the general fund of the City of St. Paul. Moneys of the park fund when set apart for the purposes of paying damages awarded, shall be and remain in the city treasury until the assessments for the same purpose are collected by sale or otherwise, and shall then be applied with said assessments in payment of said damages, unless in this charter otherwise provided.

To regulate shores.—Sec. 422. Whenever the title shall have been acquired by said city for park purposes to land constituting the shores of any stream, lake or pond, said commissioner may with the approval of the council, regulate and control the use of such shore and the water contiguous thereto, and in case such ownership shall embrace the entire shore of any such lake or pond, said commissioner, subject to the council, is vested with exclusive charge and control of the waters of such lake or pond and may in all things, under said direction, govern the use of the said waters. It shall be the duty of said commissioner to prepare such rules as may be necessary for the regulation and control of such shores, and the council shall give such rules effectiveness by ordinance after making such amendments as the council may see fit.

May not alienate lands.—Sec. 423. Lands which may have been heretofore acquired or which hereafter may be acquired for park purposes, shall not be alienated or diverted to other uses and shall remain forever parks and parkways for the use of all the inhabitants of said city.

Commissioner shall prepare rules.—Sec. 424. Said commissioner shall prepare suitable rules to secure the quiet, orderly and proper use and enjoyment of parks, parkways and playgrounds by the people, and the council shall, after amendment if thought desirable, pass ordinances embodying these rules and providing for their enforcement. It shall fix proper penalties for their violation. Said ordinances shall be enforced by the proper city authorities, and fines collected for their violation shall be paid into the city treasury for the benefit of the park fund.

To appoint superintendent.—Sec. 425. Said commissioner shall with the approval of the council appoint a suitable superintendent of city parks who shall be a skilled landscape architect or engineer, at a salary not to exceed

$4,000 a year, payable in equal monthly installments. Said superintendent shall perform such duties as may be prescribed by said commissioner. Said commissioner may also appoint a secretary at a salary not to exceed $2,000 a year, who shall also be accounting officer of said department and shall perform such other duties as said commissioner may prescribe. Said commissioner may cause to be kept in such form as may be directed by the comptroller with the approval of the council, a full and complete public record of all the business of said department, and a complete account of its funds. He shall make a complete report of said business in detail in such form as said comptroller may direct, to said comptroller and to the council through the mayor not later than March 1 of each year of the business of the next preceding year.

May appoint police officers and other park employes.—Sec. 426. Upon the recommendations of said commissioner the council shall provide for the appointment by said commissioner of such park police officers as may be necessary to preserve public order and care for public property in city parks and playgrounds, and also such other employes as may be needed, and said council shall fix the number and compensation thereof, provided that no employe of this department shall receive greater compensation for the same or similar work than is paid in other city departments. All salaries and wages, unless otherwise herein directed, shall be paid out of said park or playground funds. All policemen appointed as provided for in this section shall possess all the common law and statutory power of constables, and any warrants for search or arrest issued by any magistrate or court of record in Ramsey county, may be executed by such policemen in any part of said county.

Laying of sewer, etc.—Sec. 427. The council shall have the same jurisdiction and power with respect to the laying of water mains and sewers along the parkways and parks and playgrounds in said city as it has in respect to laying the same in and along the public streets and the same proceedings for levying and collecting special assessments for sewers along such streets shall apply to the levying and collecting of the same for sewers laid along the parks, parkways or playgrounds.

Acquire without the city limits.—Sec. 428. Said city may acquire by gift without the corporate city limits, for park, playground or parkway purposes any land or lands, and shall possess the same powers and jurisdiction over said parks, parkways or playgrounds as if they were located within the city limits.

Care of grass plots.—Sec. 429. Under conditions which may be fixed by the council by ordinance, said commissioner may, on petition of property owners assume charge of grass plots maintained along any street, and the cost of caring for said plots may be assessed upon the abutting property. Said council may certify such assessment to the auditor of Ramsey county in such manner as the council may designate, and on such certification said auditor shall collect such assessments in the same manner that state and county taxes are collected in said county and state, and when colected the amount thereof shall be paid monthly by the treasurer of Ramsey county into the St. Paul city treasury and shall be set aside to be used for the purpose for which it was intended. Any error or irregularity in making said assessment shall be overlooked unless it works substantial injury to the city or to some person assessed, and it may be corrected by reassessment by the council.

Care of trees.—Sec. 430. Upon petition of property owners asking that it be done, the council may direct said commissioner to cause trees to be planted along or upon any street or alley upon which the property of said petitioners abuts, and the cost of the same may be assessed, collected and applied in all respects as in the case of the care of grass plots as provided in the last preceding section. Said council may authorize said commissioner to appoint a city forester, and may by proper ordinance provide that said forester shall have, under the direction of said commissioner, charge, direction and control over all trees bordering public highways, their planting, care, removal, trimming and treatment when diseased. Said council may provide for the

assessing of the cost of such supervision to the abutting property as in the case of the care of grass plots as provided in the last preceding section.

Commissioner ex-officio building inspector.—Sec. 431. Said commissioner shall be ex-officio building inspector of the City of St. Paul. With the approval of the council he shall appoint a competent architect of not less than five years' practical experience in his profession next preceding his appointment, to work under the direction of said commissioner. Said architect shall receive a salary not exceeding $4,000 a year.

Duties of said commissioner.—Sec. 432. It shall be the duty of said commissioner to enforce all laws of the state and all ordinances of the City of St. Paul applying to buildings within said city, whether relating to their planning, construction, maintenance, repair, fire protection, or any other matter. For the purposes of enforcing said laws or ordinances he shall have power to employ such inspectors and other assistance and employes as may be necessary, provided, the council shall by ordinance on recommendation of said commissioner, fix the number, title, salaries, qualifications and terms of service of said employes, not inconsistent with the provisions of this charter.

Council has power over regulations.—Sec. 433. By ordinance not in consistent with the laws of the state or the terms of this charter the council may adopt, repeal or amend any and all regulations, rules, resolutions or ordinances, relating to buildings within the City of St. Paul. In the preparation of said ordinances and their repeal and amendment, said architect shall be adviser of said council.

Duties of architect.—Sec. 434. Besides performing such duties as the council or the commissioner of parks, playgrounds and public buildings may prescribe, said architect, shall prepare plans, specifications and estimates, under the direction of said commissioner, for all public buildings of any and every character whatever by the City of St. Paul or by any department, bureau or officer thereof. Through said commissioner said architect shall submit said plans to the officer or department responsible for the expenditure of the funds with which said building is to be erected. If said plans meet the approval of said officer, he shall submit them to the council, and after their approval by resolution of the council, they shall be the official plans for the building in question. If they do not meet with the approval of the officer responsible for the expenditure of said funds, he shall point out in detail to said commissioner of parks, playgrounds and public buildings and to said architect, his objections to said plans, and said commissioner shall cause said architect to meet such objections. If in the opinion of the commissioner of parks, playgrounds and public buildings, such objections are well taken he shall require said architect so to modify said plans as to remove said objections. If on the other hand said architect and said commissioner of parks, playgrounds and public buildings consider said plans proper, he shall have said architect report upon said plans in detail and said commissioners shall lay said plans with the objections to them and the report of the architect before the council which shall approve said plains or shall order said commissioner to have new plans prepared. Plans shall in this manner be prepared and submitted to said council until they prove satisfactory to the council and are approved by it.

Architect as superintendent.—Sec. 435. After the contract for the erection of any building shall be made, as provided in this charter, said commissioner shall cause said architect to superintend the construction of said building. In this work said commissioner shall employ to assist said architect such inspectors as may be necessary. Provided that the council shall fix the number of said inspectors and their compensations.

Permits for buildings.—Sec. 436. All persons who shall wish to construct, alter or repair any building within the City of St. Paul shall before beginning work thereon, submit plans for the same to said commissioner and shall receive from said commissioner a permit for said construction, alteration or repair. Immediately upon the submitting of said plans, said commissioner shall cause them to be examined and approved or rejected. If approved, said commissioner shall cause a permit to be issued for said work, on such terms

as the council may by ordinance prescribe. If rejected the objections thereto shall be pointed out in detail to the person or persons who have submitted said plans and no permit shall be granted until said plans shall be so changed as to remove said objections.

To inspect buildings.—Sec. 437. Under such conditions as the council may prescribe, said commissioner shall cause to be inspected all buildings constructed within the City of St. Paul and see that they conform to the laws of the State and the ordinances of the City of St. Paul. For the purposes of this chapter the term buildings shall include every structure of any character erected by private persons within the City of St. Paul. In relation to public structures, the term building shall have its usual significance. The council shall have power to pass ordinances regulating building not inconsistent with this charter and shall have power to fix penalties for their enforcement, and in general for the enforcement of all ordinances relating to buildings within the city, their planning, construction, maintenance, fire protection and all other matters relating thereto.

To control playgrounds.—Sec. 438. Subject to the council, said commissioner shall have full charge of and responsibility for all playgrounds belonging to the City of St. Paul, except playgrounds attached to public schools, and it shall be his duty to see that they are used to the best advantage for the purposes for which they are intended. On recommendation of said commissioner the council shall by ordinance make proper rules for the use and enjoyment of said playgrounds and shall provide for their enforcement. The council shall have full authority to provide penalties for the violation of said ordinances.

To select an advisory board.—Sec. 439. Subject to the approval of the council said commissioner shall select an advisory board composed of five residents of said city, one of whom shall be a woman to act without pay as adviser of said commissioner as to the development and use of said parks and playgrounds. Said commissioner shall meet with said board not less than once each month to receive suggestions of its members as to the administration of said parks and playgrounds and discuss any business relating to them, but he shall use his own discretion in carrying out such suggestions and shall be solely responsible for said administration. Said advisory board shall hold office for two years and until their successors are appointed and qualified. Each commissioner shall oppoint such a board within sixty days of his assuming his duties as commissioner. Members of said board shall have the right to the floor in the council to be heard on park and playground business.

CHAPTER XXI.

Commissioner of public utilities.—Sec. 440. The commissioner of public utilities shall be ex-officio a member of the water board of the City of St. Paul and shall be in general charge of the administration of the water department of said city under the direction of said board, except as otherwise provided for in this charter.

City lighting.—Sec. 441. Said commissioner shall have full charge and control under the direction of the council, of the lighting of all streets, alleys, parks, levees, squares, playgrounds, public buildings and all other public places in said city or belonging to the City of St. Paul except as otherwise provided for in this charter.

Equipment.—Sec. 442. The council shall have power at any time and it shall be the duty of said council to furnish proper street lamps, posts, wires, and all other equipment necessary or desirable for the proper lighting mentioned in the last preceding section.

Commission to bid on lighting.—Sec. 443. When any lighting in this chapter provided for is about to be let by contract, said commissioner shall

bid upon said lighting in accordance with the specifications therefor, and if said commissioner be the lowest bidder, said commissioner shall be designated to perform said lighting under said contract. The amount of said bid shall be set apart by the council for said lighting contemplated in said contract and said commissioner shall be as strictly confined to the expenditure of said amount as would any contractor who had secured said contract, in the carrying out of said contract.

Commission to control public utilities.—Sec. 444. Subject to the council, said commissioner shall have full control of the regulation within said city of all telephone, telegraph, lighting, heating, power, street railway and other municipal transportation and all other public utilities services whatsoever which are subject to the control of said city government. He shall exercise such powers in accordance with ordinances passed by the council upon his recommendation. All licenses, permits, and all other privileges granted by said city to public utility owners or operators, their lessees or representatives shall be first approved by said commissioner. Said commissioner shall have access at all reasonable times to the books, papers, machinery and equipment of all public utility owners, operators, lessees and their representatives doing business within the City of St. Paul and over which said city has any control or regulative power, for the purpose of making any inspection or ascertaining any facts in relation to said utilities or their operation, cost, prices, capitalization, profits, or any other fact relating to their business within the City of St. Paul.

Commissioner to make report.—Sec. 445. Not later than March 1st of each year said commissioner shall make to the mayor and council a complete report upon the business of said utilities for the last preceding year ending the next previous December 31.

Commissioner in charge of city services.—Sec. 446. Said commissioner shall have full administrative control under the direction of the council, and shall be responsible for the operation of any public utility which the City of St. Paul may now own or may hereafter acquire, except as otherwise provided in this charter.

In accordance with the terms of this charter said commissioner shall appoint such assistants and employes as may be necessary to carry out the duties placed upon him by this charter or the ordinances of said city in harmony herewith. Said council shall fix by ordinance the numbers, titles and compensation of said employes. Said commissioner and his employes shall be advisers of the council upon all technical questions relating to said public utilities.

City testing laboratories.—Sec. 447. The council shall provide for the establishing of municipal testing laboratories under the direction and management of the commissioner of public utilities. Said commissioner shall prepare an ordinance for the establishing of said laboratories, fixing the numbers, titles and salaries of the necessary employes thereof, and defining their duties and powers. Said council shall consider said ordinance and after amending it as said council may deem proper, shall pass said ordinance. Said ordinance shall provide for a skilled chemist and such other skilled technical officers and employes as may be necessary to carry out the intent of this section. If thought necessary said council may, upon the recommendation of said commissioner, provide in connection with said laboratories for a force of inspectors to look after and inspect all work performed or supplies or material purchased by or under the direction of this or the other department for which inspectors are not otherwise provided in this charter. Provided that the cost of inspection shall not in any case exceed one per centum of the construction cost of the work or service inspected, or one-half of one per cent of the cost of supplies or materials purchased. Until said laboratories are established the city chemist, gas inspector and city scales of weights and measures shall perform said services. Whenever said council shall establish said testing laboratories it shall at the same time abolish the offices the work of which said laboratories take over.

City markets.—Sec. 448. Such public markets as may be established by the council shall be under the general direction and control of the commissioner of public utilities. On the recommendation of said commissioner, the council may establish, construct, purchase, acquire and maintain such public markets as may be deemed of advantage to the people of St. Paul. On the recommendation of said commissioner said council shall by ordinance fix the number, titles, salaries and duties of the employes of said markets, and all rules for the governing, and the administration of said markets. Said council shall have power to authorize said commissioner to cause to be bought and sold through said markets upon commission or otherwise, all articles and things which in the opinion of said council shall be to the advantage of the people of St. Paul. Said commissioner shall appoint, subject to the provisions of this charter, all necessary employes of said markets.

Levees and harbors.—Sec. 449. The council may by ordinance create the office of harbor wastes for the control and regulation of levees, wharves, piers and harbors in said city and fix his compensation, and the number and compensation of such other employes as may be necessary to carry out the powers mentioned in this section. Such harbor wastes and other employes shall be appointed by said commissioner of public utilities and shall be under his direction and control.

Sec. 450. Said commissioner of public utilities shall have power, subject to the direction and control of the council to take effective steps for the abatement of the smoke nuisance.

CHAPTER XXII.

Water Department.

Board—Term—Officers.—Sec. 451. There is hereby created a board of water commissioners composed of the commissioner of public utilities, who shall be president thereof, the commissioner of finance and the commissioner of public works. The city clerk shall be the secretary of such board. Each of the aforesaid shall be ex-officio members and officers of the said board so long as they shall hold their respective offices.

A city department.—Sec. 452. Except as herein modified or otherwise provided, the said board shall be, in all respects, a department of the city and shall likewise in all respects be subject and subordinate to all the provisions of this charter and the ordinances, administrative ordinances and resolutions enacted in pursuance thereof.

May sue and be sued, etc.—Sec. 453. Said board of water commissioners may sue and be sued, plead and be impleaded, answer and be answered unto, appear and prosecute unto final judgment in any court or elsewhere in the name of said board of water commissioners; have a common seal and alter the same at pleasure. They may prosecute any action in the name of said board of water commissioners against any person or persons for money due for the use of water, for the breach of any contract, expressed or implied, touching the execution or management of the works or distribution of the water, or of any promise or contract made to or for them; and also for any injury or trespass or nuisance done or caused or procured to be done to the water courses, pipes, machinery, or any other apparatus belonging to or connected with any part of the works or for any improper use, or waste of the water.

Extensions—New sources of supply—General powers.—Sec. 454. With the approval by resolution of the council, the said board of water commissioners may from time to time for the purpose of furnishing a full supply of water to the inhabitants of the City of St. Paul, extend said water works, or make new lines of works, it may draw water from any lake or creek by means of pipes, ditches, drains, conduits, aqueducts, or other means of con-

ducting water so as to connect said lakes or creeks with said works, and may erect and construct dams, bulkheads, gates and other needed structures and means for controlling water and its protection, and in general to do any other act necessary or convenient for accomplishing the purpose contemplated by this charter.

Special laws.—Sec. 455. The following sections and provisions of Chapter 110, Special Laws 1885 are hereby continued in full force; adopted herein and made part of this charter, as if specifically reacted, to-wit:

(Method of procedure of extending works.)—"Sec. 7. Whenever at any time said board shall propose to extend its said works so as to connect with any of said lakes or creeks, or to divert the water of any stream, creek or body of water, it shall proceed as follows: Said board shall cause to be made a survey of the line along which it shall so propose to extend its said works and of all lands or other property to be affected by flowage, drainage or otherwise, and for that purpose it may, by its officers and agents, enter upon any lands doing no unnecessary damage thereto. After such survey shall have been made and such line located, it shall cause to be made a map showing the location of said line and the lands necessary to be taken for such extension, and of lands or other property to be affected by flowage, drainage or otherwise. Said map shall be acknowledged by the surveyor making the same, and by the president of the board of water commissioners, and shall be filed as a record in the office of the register of deeds of the proper county. And after making compensation as hereinafter provided to the owners of or persons interested in the lands so to be taken, and for damages by reason of diverting the water of any stream, creek or body of water, said city shall have an easement in said land designated on said map for all the purposes contemplated in this act, which said easement shall include the right of passage without doing unreasonable damage from any public highway to and from the land included or covered by said easement. The damage for said right of passage shall be estimated in apportioning the amount of damage to be paid for such easement."

(Commissioners to assess damages—Meetings—Report—Payment of damages—Appeal—Costs.)—"Sec. 8. Said board shall make application to the judge of the District Court of the county wherein the lands are situate, at chambers, for the appointment of three commissioners to assess the damage which the owners of, or persons interested in, the lands to be taken, or any other persons, may sustain by reason of the taking of such lands, or of the constructing, use and operating of such work. Notice of such application shall be given by publishing the same in a newspaper printed in the county wherein the lands are situated for at least twenty (20) days before the day of making such application, which notice shall specify the time and place where such application shall be made, the points between which it is proposed to extend said works, and state the date of filing the said map. At the time and place specified in said notice said judge shall, upon proof to his satisfaction by affidavit of the due publication of said notice appoint, by an instrument under his hand, three commissioners to assess said damages. Such commissioners shall take and subscribe an oath for affirmation that they will faithfully and fully examine the matter in question and make a true report thereon, according to the best of their skill and understanding. They shall appoint a time and place of meeting for the purpose of making such examination, and give notice thereof by publishing such notice in a newspaper printed in the county wherein the lands are situate, at least ten (10) days before the day so appointed. On the day so appointed they shall proceed to view the lands so to be taken, and hear any evidence as to the damages which any person may sustain by the taking of the same or by the construction, use and operating of the works of the city and shall continue their examination until the same shall be completed. They shall make a just and equitable estimate of such damages and shall make and file in the office of the clerk of said court a report in writing signed by them, or any two (2) of them, in which they shall state the amount which said board should pay to such persons or corporations who may sustain any damage by reason of

the taking of such lands or by reason of the construction, use or operating of such works. Upon said report being filed said board may pay in to the clerk of said court, for the use of the persons, entitled thereto, the several amounts so awarded by said report, and thereupon said city shall have and hold said lands and rights for the purposes aforesaid and said board may proceed to construct, use and operate thereon said works an extension thereof. Said report and finding of said commissioners shall be final and conclusive as against all persons or corporations who shall not appeal therefrom within thirty (30) days after the filing of said report. Any person or corporation interested may appeal from said report and findings of said commissioners within the time aforesaid to the said district court by filing with the clerk of said court a notice of appeal specifying the nature of his or its claims and the amount thereof, and also by filing a bond in the sum of five hundred ($500) dollars, with at least two (2) sureties ,to be approved by the Court conditioned for the payment of the judgment and of any costs that may be awarded against said appellant. Said board may likewise appeal within the time aforesaid upon the findings of said commissioners in favor of any person or corporation by filing with said clerk a notice of such appeal. The appeal shall be entered on the calendar for the succeeding term of said court and shall be tried and judgment therein given and the like costs allowed as in actions brought in said court. If the said board appeals and the same or greater damages be recovered than shall have been awarded by the commissioners it shall be liable for costs. If any other person or corporation be the appellant and do not recover greater damages than shall have been awarded by the commissioners, such appellant shall be liable for costs; but no appeal taken shall prevent said city having and holding said lands as aforesaid or said board from entering upon and proceeding to construct, use and operate said works or any part thereof."

(Duties of clerk of court.)—"Sec. 9. The clerk of said court shall attach together, and keep on file in his office, the said notice of application, with the affidavits of publication thereof, the appointment of said commissioners, their oath or affirmation, the notice given by them, with an affidavit of the publication thereof; their report, the notice of appeal and bond, a certified copy of any final judgment or appeal and his certificate or certificates of the payment to him by said board of any monies awarded to any person or corporation. A copy, certified by said clerk, of such papers may be recorded in the office of the register of deeds of said county, and the papers so filed; said record or a certified copy of either shall in all cases be received as evidence of the facts therein stated.

(Possession and right-of-way—Injunction.)—"Sec. 10. That whenever the board of water commissioners file their maps as required by section seven (7) of this act, the Board shall be deemed to be in possession of the lands and right-of-way as represented on their map or maps or of any other lands they may occupy or have damaged in the construction of their works for the purpose of introducing and supplying the City of St. Paul with pure water, either by flowage, drainage or otherwise, either by the consent of the owner or owners, or not of the land used or occupied, that is not shown on their map or maps, that the owner or owners have not been settled with nor the lands paid for as required by section eight (8) of this act. No injunction shall be maintained against the board of water commissioners, restraining them from the use of the lands, (nor any action to recover) possession, or for damage to said lands shall be maintained, except a sprovided in the following section."

Suits for recovery.—"Sec. 11. The owner or owners of any such land or lands may maintain a suit for the recovery of the possession of lands used by the board of water commissioners, for the value thereof, and the damages thereto by reason of the taking thereof as aforesaid, either by flowage, drainage or otherwise or damage of any kind."

Answer.—"Sec. 12. The defendant, the board of water commissioners, may be answer admit and allege the taking of the plaintiff's land for the use of the board of water commissioners, for the purposes of introducing water

into the City of St. Paul, and that no compensation has been paid therefor, and that the defendant is ready and willing to pay such compensation, upon having the same assessed by the jury trying the action, provided the plaintiff on the trial shall establish his right to recover the land in question."

Verdict for damages.—"Sec. 13. In all such actions where the defendant by answer admits and pleads, as hereinabove specified, the jury shall try, and by their verdict find whenever the plaintiff is entitled to recover for the land in controversy, and if so entitled, the amount of compensation to which the plaintiff is entitled for the taking and perpetual use of this land for the purpose herein specified; Provided, that when it appears that the land was so taken or appropriated, by and with the consent and acquiescence of the owner, such owner shall not be entitled t orecover any rents or profits which accrued prior to demand for compensation for such land, adn he shall be limited to recover in such case the compensation for the land taken and damages."

Judgment for damages.—"Sec. 14. Upon a verdict finding that the plaintiff is entitled to recover the land in suit and the compensation due him for the taking and perpetual use of such land, judgment shall be entered in substance as follows: That the plaintiff have and recover from the defendant the land in suit or, in lieu thereof, the compensation fixed by the jury, with costs and disbursements, and reasonable attorney's fees, to be fixed by the court; on the expiration of ninety (90) days after the entry of the judgment aforesaid, if the compensation, costs, disbursements and attorney's fee specified in the judgment are not paid then a writ of execution shall issue for the delivery of the possession of the land described in the judgment to the plaintiff, and to satisfy the judgment as to costs, disbursements and attorney's fee out of any property of the defendant,"

Infant heirs, lands belonging to.—"Sec. 15. Whenever the Board of water commissioners has located the line of its work or any of its appurtenaces, upon a crop, or over, across or contiguous to any land or lots belonging to infant heir or other wards having any interest therein, it shall be lawful for the guardian of such heirs or wards to sell and convey to the City of St. Paul, upon such terms as may be agreed upon between said guardian and said board of water commissioners, such portion of said land or lots as may be deemed necessary or required by said board and the right-of-way upon and across the same, together with all such grounds and rights as may be deemed necessary or required for any purpose by said board in the discharge of their duties as herein provided, subject only to the approval and confirmation of the probate court of the county having jurisdiction of the matter of the guardianship of such heirs or wards, such approval and confirmation shall be indorsed upon or annexed to the deed or other instrument between the parties and shall be recorded with and as a part of such deed or instrument, in the office of the register of deeds in the proper county, and shall be notice to all parties interested of the facts therein stated; Provided, that before granting such approval and confirmation the judge of probate shall require a petition, subscribed and verified by such guardian and signed by the president of the board of water commissioners, or by its attorney, to be filed in such probate court, setting forth the names of such heirs or wards, the name of the board of water commissioners, a description of the lands or lots to be conveyed, the terms of sale, and that the price to be paid is the just and full value of the lands or lots intended to be conveyed to said board and upon the filing of such petition the judge of the probate court shall determine the matter, without any further formality, notice, order or delay whatever."

Re-surveys and re-locations.—"Sec. 16. Said board is hereby authorized to re-survey the line of its works heretofore and hereafter to be located, and to re-locate said line or any portion thereof, the same as though said line had not been heretofore been located. In case of making such new survey and re-location, said board shall proceed in the same manner as is provided in sections seven (7), eight (8), and nine (9) of this act, and all the provisions of said sections in all respects be applicable to the proceedings for such re-

survey and re-location and the effect thereof, and of constructing, using, and operating its works over said re-located line. It may join its proceedings for such re-survey and re-location with any proceedings for extending its said works: Provided, that if said board shall, in the proceedings heretofore or hereafter to be had for locating its said line, have paid unto the said clerk the amount awarded to any person by the commissioner in said proceedings, the amount so paid in shall be deemed a payment to such person upon the amount which may be awarded in the proceedings hereby authorized."

Willful damage, penalty for.—"Sec. 17. Any person who shall wilfully and without authority from said board break, remove or damage any dam, bulkhead, gate, gate house, conduit, air vent, air box, air box cover, main pipe or culvert, or fill up, or partially fill up, an excavation or raise or open any gate, break down or force open any doors of said works executed, constructed and maintained for the purposes specified in this act shall, on conviction thereof, be punished by imprisonment in the state prison for a term of not more than ten (10) years nor less than one (1) year."

Willful acts to divert or corrupt water, etc.—Penalty.—"Sec. 19. If any person or persons shall maliciously or wilfully divert the water, or any portion thereof, from the said works, or shall corrupt or render the same impure, or shall destroy any canal, aqueduct, pipe, conduit, machinery, or other property used or required for procuring or distributing the water, such person or persons and their aiders and abettors shall forfeit to said board, to be recovered in a civil action, treble the amount of damages (besides costs of suit), which shall appear on file to have been sustained; and all such acts are hereby declared to be misdemeanors, and the parties found guilty thereof may be further punished by a fine not exceeding one thousand ($1,000) dollars or by imprisonment not exceeding one (1) year or both, at the discretion of the court."

Board may use ground under streets, roads, railroads, etc.—"Sec. 20. That the said board, in behalf of the City of St. Paul and all persons acting under their authority, shall have the right to use the grounds or soil under any road, railroad, highway, street, lane, alley or court for the purpose of constructing, enlarging, improving or repairing the works contemplated by this act, on condition that they shall cause the surface of such road, railroad, highway, street, lane, alley or court to be restored to its original state, and all damages done thereto to be repaired."

Rights-of-way and easements paramount.—"Sec. 33. In all cases where rights-of-way and easements have been or may be hereafter acquired, either by purchase of title or by condemnation, for the laying of any conduits, supply mains, or other appliances or works for supplying water as contemplated in this act, such rights-of-way and easements shall be paramount, and neither said City of St. Paul nor said County of Ramsey nor other county or municipal body or corporation, or other corporation or person shall thereon, use or occupy the same for any purpose other than said purpose for which said right-of-way or easement was or may be acquired as aforesaid, except with the consent of said board, and upon such terms and in such manner as may be agreed upon with said board of water commissioners and said board of water commissioners is hereby authorized to make and enter into any agreement in that behalf which it may deem necessary and expedient."

Actions and judgments against board.—"Sec. 34. And all causes of action, either at law or in equity, which may now exist, or which may hereafter occur by reason of any act or omission by or on the part of the board of water commissioners, or of any of its servants, agents, employes or otherwise, shall be brought and maintained by such claimant or claimants against the said board of water commissioners, anything in the status of the State of Minnesota to the contrary notwithstanding. And any and all judgments recovered against said board of water commissioners shall be paid out of any monies in the hands of the city treasurer of the City of St. Paul belonging to said board, as other indebtedness are paid."

Notice of actions, filing and contents, limitation.—"Sec. 35. Before any action shall hereafter be maintained in any court of this state having jurisdiction thereof, against said board of water commissioners, for any cause whatever, the subject matter thereof, together with the evidence in support of the same, must have first been presented and submitted to said board for its investigation and approval, and that, too, within sixty (60) days after said cause of action accrues. If, upon and after such investigation by said board, the same shall by it be rejected, then and in that case action thereon must be commenced within one (1) year thereafter, or forever be barred from maintaining an action thereon, or recovering a judgment against said board upon said claim or cause of action."

Real estate defined.—"Sec. 36. The term 'real estate' as used in this chapter, shall be construed to signify and embrace all uplands, lands under water, the waters of any lake, pond or stream, all and every estate, interest and right, legal and equitable, in the lands or water, including term for years, and liens thereon by way of judgment, mortgage or otherwise, and also all claims for damages to such real estate."

Meetings—General powers—Executive officer.—Sec. 456. Such board shall meet at least once a month and at such other times as it may determine and shall keep complete public records of all its proceedings. Special meetings may be called by the president or by the other two members by jointly signing call. A majority of the board shall constitute a quorum for the transaction of business.

Subject to the charter and any enactment in pursuance thereof, the board shall have full control and management of the said department.

The president shall be the executive officer of said board and subject to the charter and with the approval of the board may appoint and employ all officers and employes of the said department.

Officers and employes—Terms and compensation.—Sec. 457. The board, with the approval of the council, by administrative ordinance, shall fix the compensation of all officers and employes, their titles, terms of service, and general conditions of employment, subject, however to this charter, and also may likewise make and provide rules and regulations for their government.

Contracts—Finances.—Sec. 458. All contracts and agreements shall be made in the name and for the benefit of said board, and all formal contracts shall be signed and executed by the president and secretary thereof, and approved and countersigned by the comptroller.

All money collected or expended by the said board shall be kept in a separate fund, which may be divided into such accounts as desirable, and shall be used only for the purposes and uses of said board and not otherwise.

Rules for use and water rates.—Sec. 459. The council, by ordinance, shall provide rules and regulations relative to the use and distribution of water, the fixing of the price at which it shall be furnished for any purpose whatsoever. Water rates must be uniform, as nearly as practicable, and shall be adequate for the maintenance of said department, the payment of all interest and repair charges, and the amortization of all indebtedness when due, and any officer violating this provision shall be guilty of a misdeamanor. Any and all charges to the furnishing by the said board, of water to any person or property shall be a continuing lien upon such property until the same are paid.

The council may provide for the payment of water rates in advance and may also provide for the deposit of a stated sum for the installation of a meter or other water connection, which deposit shall be returned to the person making the same with interest not to exceed four (4) per cent per annum when such connection shall terminate, provided all charges shall have been paid. It may also prescribe a minimum rate and shall prescribe penalties for failure to pay promptly for water furnished, and also for non-payment.

All water rates and charges shall be collected at least once in every three months.

City must pay for water.—Sec. 460. The said board shall keep separate accounts with each officer and department of the city and other governmental agencies for water furnished and shall collect therefrom in the same manner and subject to the same rules and regulations, as if the same were private persons, provided, however, that the council shall annually appropriate funds for the payment to such board for all water supplied for the extinguishment of fires, for public fountains, public watering places, public baths, the cleaning of streets and for all other public purposes where it is impracticable to measure the amount thereof. The council also shall annually determine the cost or value of water to be used in street sprinkling or other like purpose and shall direct the proper officer or department to include such sum or sums in the cost of sprinkling or other like purpose and proceed to collect the same for the benefit and use of the said water department.

Failure on the part of any public officer to carry out the provisions of this section shall constitute malfeasance in office.

Frontage tax—Collection.—Sec. 461. The said board shall assess against each and every lot, piece or parcel of land in front of which water pipes are laid an annual tax or assessment of ten (10) cents per lineal foot of the frontage thereof, which assessment shall be a lien thereon and shall be collected by and through the county auditor and county treasurer in such manner as the council by an administrative ordinance shall prescribe; but no property shall be subjected to more than ten such annual assessments, and all sums so collected shall be for the benefit and use of the said board.

Mains—Grades.—Sec. 462. The council by ordinance shall prescribe the manner of and provide for the laying of water mains, the re-adjustment thereof, and the relaying and readjustment thereof on the change of any street grade.

Council powers.—Sec. 463. The council shall have full power and authority, subject to the provisions of the charter, to prescribe and provide for the better conduct and regulation of the water department and all other matters connected therewith not herein provided for.

Bonds.—Sec. 464. All bonds heretofore issued by the city for the purchase or improvement of the water system of the city are hereby declared to be legal and valid obligations of the City of St. Paul.

Upon request of the said board, the council shall have power by five-sevenths affirmative vote of all members elect, to issue and sell not to exceed three hundred thousand dollars ($300,000.00) par value of the bonds of said city for the purpose of and the proceeds thereof shall be used solely for extending, enlarging and improving the water plant and system of said city, provided, however, that no more than one hundred thousand dollars ($100,000.00) par value of said bonds shall be issued and sold in any one calendar year.

Said bonds shall be in the form prescribed by the council, shall bear interest at a rate not to exceed four (4) per cent per annum, and shall be payable in not to exceed thirty years after their date. It is the duty of said board to make annually suitable provision for the prompt payment of the interest on any said bonds and for the redemption of said bonds at their maturity from the revenues of said board.

Said bonds may be issued and sold notwithstanding any other provisions of this charter nor any provision of law fixing the bonded indebtedness of said city, but they shall not be additional to the bonds, authorized in the provisions of this charter relative to city finances.

CHAPTER XXIII.

Court house and city hall joint committee.—Sec. 465. That the following portion of Section 1, Chapter 64 of the special laws of the State of Minnesota for the year 1889 in the following words shall remain in full force, to-wit:

"The said building (Court house and City hall) when completed shall be in charge of a joint committee of seven to be appointed as follows: The mayor of the City of St. Paul shall be ex-officio a member and chairman of said committee. Three (3) of said committee shall be appointed annually by the president of the common council of said city from the members of said council, and three (3) shall be appointed annually by the chairman of the board of county commissioners from the members of said board. Said committee shall have entire charge of said building, and shall have power to appoint such janitors, custodian and other employes as they shall deem necessary for the proper care and management of said building and at such compensation as said committee shall determine. The expense of keeping said building in repair and the necessary expense of heating and maintaining the same shall be paid equally by said city and county, that is to say, one-half thereof out of the treasury of said city and one-half out of the treasury of said county."

Provided that the foregoing the term "common council" shall mean "council" under this charter and the phrase, "president of the common concil," shall mean mayor of the City of St. Paul under this charter.

CHAPTER XXIV.

Municipal court.—Sec. 466. All provisions of law relating to the municipal court of the City of St. Paul, or any of the officers or employes thereof, or imposing powers or duties on any of the officers or employes of said city of St. Paul in connection with said municipal court, are continued in force and made part of this charter.

CHAPTER XXV.

Almshouse and city hospital.—Sec. 467. All provisions of law relating to the almshouse and city hospital, and to the city and county physician as they now exist, are continued in force and made part of this charter.

CHAPTER XXVI.

Plat commission.—Sec. 468. All the provisions of that certain act of the legislature of the State of Minnesota entitled, "An act to amend and consolidate an act to provide for a plat commission of Ramsey county, approved March 7, 1881, and the several acts amendatory thereof," approved February 22, 1887, being chapter 108 of the special laws of 1887, so far as applicable to the City of St. Paul, are hereby continued in force and made part of this charter, except insofar as such provisions are inconsistent with the express provisions of this charter; provided that the mayor of the City of St. Paul shall have the appointive power given the "president of the common council" under said act, and the commissioner of public works shall take the place of the "city engineer."

CHAPTER XXVII.

Assessment of property for general taxation.—Sec. 469. The provisions of law relating to the assessment of property for general taxation as they now exist are continued in force and made part of this charter, except insofar as such provisions of law are inconsistent with the express provisions of this charter. Provided that the board of appointment as therein named shall be composed of the chairman of the board of county commissioners of Ramsey county, the auditor of the County of Ramsey and the vice-president of the council of the City of St. Paul.

CHAPTER XXVIII.

Official publications.—Sec. 470. In November of each and every year the council shall have authority to receive competitive bids and to make a contract or contracts for the printing and publishing during the year beginning January 1 next following in a daily or weekly newspaper specified in the bid, and printed in the English language in the City of St. Paul qualified under the laws of Minnesota to publish legal advertisement, all ordinances, resolutions, and other proceedings and matters required under this charter or by resolutions or ordinances of the council to be published in a public newspaper. Said council shall by ordinance determine the manner in which such bids may be received, and such contracts awarded, provided that said contracts shall be awarded in each case to the lowest qualified bidder and in such manner as to serve and protect the interests of the City of St. Paul.

May establish weekly paper.—Sec. 471. Instead of advertising for bids for printing and publication as provided in the preceding section, and designating an established daily or weekly paper as the official paper of the city, the council shall have power and authority to require the city clerk to have printed and to issue each week an official paper of the City of St. Paul in which all matters above designated shall be published. Said paper shall publish only matters relating to the city's business. Copies of each issue of said paper shall be kept on file in the office of the city clerk and of the comptroller, and shall be sent free to all public libraries in the Twin Cities and to all other public libraries which may apply therefor. Such copies shall be furnished free to all persons applying therefor personally for each issue at the city hall, one copy of each issue to each person so applying, or they shall be mailed to the address of any person paying in advance a subscription of fifty cents per year to said city clerk. Said subscription shall become part of the printing fund of the City of St. Paul. The time specified for the publication of any notice required to be published in the official paper of said city under this charter shall commence with its first publication.

CHAPTER XXIX.

Miscellaneous and Supplementary.

Sec. 472. All meetings of the council, of all boards, committees and officers whatever, elected, appointed or employed, shall be public meetings open to the public under proper regulations to be fixed by ordinance by the council. All proceedings and records of all such bodies or officers, and all documents belonging to the City of St. Paul shall be public records and documents accessible to the public under proper restrictions to be fixed by the council by ordinance. All such records shall be prima facie evidence of the facts therein stated and copies thereof when certified by the person entitled to

the official custody thereof to have been compared by him with the original, and to be a correct transcript therefrom, shall be received in evidence in all cases with the same force and effect given to such original.

Officials and employes not to do business with city.—Sec. 473. No officer or employe of the City of St. Paul, or any department, bureau or activity whatever in which the City of St. Paul or its government is in any way interested, shall have a personal interest direct or indirect in any contract or job, with said city, or shall be interested directly or indirectly in the sale to said city of any supplies, material, service, or any other things whatsoever, except on behalf of said city as such officer or employe. This prohibition shall apply to the leasing or selling of lands to said city for any purpose whatever. The receiving of a fixed salary for performing official duties shall not come within the above prohibition. Any violation of this section shall constitute malfeasance in office, and any moneys reserved in violation of said section may be recovered by said city in the courts.

Curative.—Sec. 474. The adoption of this amendment shall not be construed as the repeal of any ordinance or resolution of the City of St. Paul now in force, and not in conflict with this charter. So far as the provisions of this amendment are the same as the provisions of the prior existing charter the same shall be construed as continuations thereof.

All contracts entered into by or with the city, prior to the adoption of this amendment shall be continued in force and with the same effect as though all the procedure entered into by any of the authorities of the city for making local improvements or any other public work shall be continued and perfected under this charter with the same effect as though the same had been commenced hereunder, except that where the completion of the same is impracticable within the terms of this charter, the same shall be completed under the terms of the laws in force prior to the adoption thereof.

The repeal by this amendment of any prior charter or any part thereof, whether the same be revised or re-enacted herein or not, shall not revive any law heretofore or hereby repealed or any office abolished; neither shall it affect any act done, ratified or confirmed, nor any right accrued or established, nor any action or proceeding had or commenced, but future proceedings save as herein specifically provided, shall conform as far as practicable to the provisions of this amendment.

Other appointments.—Sec. 475. The appointment of all officers not otherwise provided for in this charter may be made in such manner and by such persons subject to the chapter on civil service in this charter, as the council may be ordinance prescribe.

Additional powers of the council.—Sec. 476. In addition to all specific powers given the council or any officer of the City of St. Paul, the council shall have all such powers as may be necessary to supplement and supply by ordinance adopted by unanimous vote, subject to the limitations of this charter and the laws of the state, any and all things necessary to make effective the government of the City of St. Paul, and guard and preserve the interests of its inhabitants.

May remove officers.—Sec. 477. All heads of departments having the power of appointing assistants, subordinates or employes shall have power to remove said officers under the resolutions and by the methods provided in the chapter on civil service.

Sec. 478. The council shall have power by ordinance to provide for inspection and regulation of all construction work, whatever, within the City of St. Paul, whether buildings, plumbing, heating, ventilating or any other construction whatsoever, and shall do so for the protection of the people of St. Paul.

Sec. 479. The council shall provide for city representation to the board of equalization and all other boards upon which the city is entitled to representation.

Sec. 480. The council may provide for a municipal reference library and the selection of employes thereof.

Council to perform duties and exercise powers of "common council."—Sec. 481. Any duty or power given the "common council" in this or any previous charter of the City of St. Paul or any amendment thereto, or in any statute, shall be performed or exercised by the council created under this charter, if not otherwise provided for herein.

Sec. 482. All playgrounds attached to public schools or purchased with school funds, shall be under the exclusive direction and control of the commissioner of education for all purposes whatever.

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